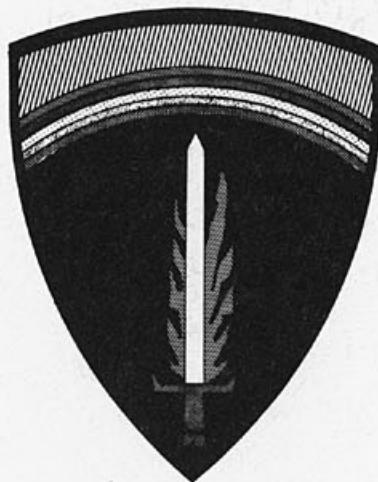


OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

DENAZIFICATION

(Cumulative Review)



REPORT OF THE
MILITARY GOVERNOR

(1 April 1947 – 30 April 1948)

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DENAZIFICATION CUMULATIVE REVIEW

The Formation of the Denazification Program

While the period covered by this cumulative review is the 13 months from 1 April 1947 to 30 April 1948, certain portions of the early history of the denazification program are included, in order to provide a background for the current survey.

The denazification of Germany, which has as its threefold purpose to strengthen and assist the democratic elements in Germany, to provide security, and to punish the active Nazis and militarists, was one of the prime objectives of the occupation. The groundwork for the Military Government denazification policy was laid by the Joint Chiefs of Staff in a directive issued in April 1945. 1/ The Potsdam Four-Power Declaration restates these aims:

"...Nazi leaders, influential Nazi supporters and high officials of Nazi organizations and institutions and any other persons dangerous to the occupation or its objectives shall be arrested and interned.

"All members of the Nazi Party who have been more than nominal participants in its activities and all other persons hostile to Allied purposes shall be removed from public and semi-public office, and from positions of responsibility in important private undertakings. Such persons shall be replaced by persons, who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany." 2/

All subsequent Military Government directives have been based on these two documents.

The denazification program became operative when the first troops occupied the border towns of Germany; the first Special Branch office was established in Aachen following its capture in October 1944. The function of the Special Branch was to investigate the political backgrounds of Germans in public office and in important positions in quasi-public and private enterprise, for the purpose of removing more than nominal Nazis and militarists from these offices and positions. The authority for carrying out these investigations had been established by Supreme Headquarters, Allied Expeditionary Forces (SHAEF) prior to the invasion of Normandy in Laws No. 1 and 5. 3/ Germans in positions where political reliability was demanded were required to submit pertinent information in a detailed questionnaire known as the Fragebogen. Instructions for the evaluation of Fragebogen according to the degree of participation in the Nazi Party had also been prepared in advance and were put to use in the early days of denazification. It was not until the 9th of November 1944, however, that SHAEF published a directive formally defining categories of Nazis whose non-employment was mandatory. 4/

After the dissolution of SHAEF, a new denazification directive was published by the U.S. Forces in the European Theater (USFET) on 7 July 1945, 5/ and this directive was in force in the U.S. Zone until the promulgation of the Law for Liberation on 5 March 1946. With two major differences, the 7 July directive followed closely the policy and procedure patterns incorporated in the SHAEF directive. In defining the degree of culpability of members of the Nazi Party, the USFET directive established the membership date of 1 May 1937 to divide active (i.e., removal mandatory) from nominal (removal discretionary) Nazi party members, whereas the SHAEF

1/ Directive 1067/6 of the Joint Chiefs of Staff. See Annex A for text.

2/ From the Potsdam Agreement of 2 August 1945. See Annex E for text.

3/ See Annex F (Law No. 1) and Annex G (Law No. 5) for text.

4/ See Annex B for text. *

5/ See Annex C for text.

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directive had used 1 January 1933 as the line of demarcation. The second major difference between the two directives was the provision, in the USFET directive, for a Military Government Denazification Review Board to review cases of mandatory removals from critically important positions.

The provisions of the directive of 7 July were applicable to persons in positions of "more than minor importance" in public office and persons in positions of importance in quasi-public and private enterprises, as had been the case before; it also encompassed the top people in important industrial, commercial, agricultural and financial institutions.

A still broader base for denazification was established by a directive of 15 August 1945, 1/ which extended the sanctions of earlier directives by defining persons in "positions of importance in quasi-public and private enterprises" to include business, professional and even "unemployed" people of wealth and importance. This revision prevented the escape of wealthy and influential Nazis who did not happen to hold public office or otherwise fall into the categories established on 7 July.

The denazification program was still further extended late in September 1945 by the promulgation of Military Government Law No. 8, 2/ which had three main objectives: (1) to extend denazification over the entire German economy and thus to remove influential Nazis from every type of industry, large or small, public or private; and (2) to make the Germans themselves criminally liable for failure to remove Nazis as defined in the law and its implementing instructions from all positions in business and industry above ordinary labor; 3/ and (3) to give the German people a measure of responsibility in the denazification process by creating German Review Boards to hear appeals on the lower levels, with Military Government acting in supervisory capacity and retaining final authority.

Military Government Screening Program

Prior to 1 June 1946, when the Special Branches were engaged directly in the operation of denazification screening, the work consisted of vetting only the applicants for, and the incumbents in, public office and leading positions in important private enterprises. 4/ The responsibility lay with the employer or the employee himself to obtain this clearance before employment was legally possible. Information for clearing was obtained by the Special Branch Offices from the Fragebogen⁵ and from document centers, newspapers, files, and intelligence sources. On the assembled data an administrative decision was made by Military Government as to the applicant's employability and he was placed in one of five categories. This decision was final unless the agency who wished to use the applicant appealed the decision to the USFET appeal board. The five categories in which the individual might be placed were: (1) mandatory removal; (2) discretionary removal, adverse recommendation; (3) discretionary removal, no adverse recommendation; (4) no evidence of Nazi activity; and, (5) evidence of anti-Nazi activity.

1/ See Annex D for text.

2/ See Annex I for text.

3/ Persons in positions not involving policy making or personnel responsibilities.

4/ All enterprises which employed more than 10 persons or whose assessed valuation was more than RM 1 million.

5/ Questionnaires.

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DISTRIBUTION OF SPECIAL BRANCH DENAZIFICATION FINDINGS CUMULATIVE AS OF 31 May 1946 Bavaria, Wuerttemberg-Baden, Hesse a/

Special Branch Findings	Number
Total, All Findings	1,521,832
Non-Employment Mandatory	247,193
Employment Discretionary (Adverse Recommendation)	101,077
Employment Discretionary (No Adverse Recommendation)	396,506
No evidence of Nazi Activity	770,908
Evidence of Anti-Nazi Activity	6,148

a/ Bremen was under British jurisdiction until January 1947.

Results of Military Government Screening Program

By the end of May 1946, Military Government had already vetted almost all incumbents in public office and leading positions in important private enterprises. These investigations represented a total of some 308,000 cases in which active Nazis and militarists had been removed or excluded from public employment and from important positions in private industry and other fields, not counting removals and exclusions under Law No. 8. These cases represent 17 percent of the 1,252,364 investigated and evaluated by Military Government since the beginning of the program. By May, the denazification program had resulted in the dismissal of 16,843 Reichsbahn employees, 4,500 highway employees, and 2,300 workers engaged in water transport. All culpable Nazis, or one out of every three persons screened, had been removed from German finance without curtailment of essential functions. A total of 73,000 Reichspost employees have been investigated, and 27.5 percent either dismissed or demoted to ordinary labor. These were, however, merely administrative findings, in which the individual was checked by Military Government on the basis of his political record for his political fitness to occupy a given post, and not for general political reliability.

Enactments of German Denazification Law

In June 1946, the entire denazification program was placed in the hands of the German Land Governments. A few positions, such as those of employees of the U.S. forces and members of the new German denazification ministries, in which Special Branches still determined employability, were subject to both German and Military Government screening. This transfer of jurisdiction was in accord with basic American occupation policy, which had as its main principle the return of responsibility to the Germans as fast as was expedient, at the same time preventing leadership in the U.S. Zone from falling into the hands of Germans who had been active Nazis.

Accordingly, the Military Governor approved on 5 March 1946 a draft German law which had been submitted by the three Laender then forming the U.S. Zone, Bavaria, Wuerttemberg-Baden, and Hesse. Each state then enacted an identical law, known as the Law for Liberation from National Socialism and Militarism, 1/ placing the responsibility for denazification upon the German people, establishing the legal bases for the charges, decisions, and punishments (known as sanctions), and creating the legal machinery to operate the law. In this phase of denazification, the decisions were judicial and the whole procedure was conducted with the full force of law.

The accomplishments of Military Government's denazification program were protected in the law by provisions that required the public prosecutors to charge

1/ See Annex J for text.

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persons as major offenders, offenders, or lesser offenders according to the list of Nazi agencies and positions enumerated in the appendix to the law. The agencies and positions enumerated were the same as the categories of the Military Government directive of 7 July 1945. In addition, the German law provided that persons who had been removed from office by Military Government could not be reemployed until a tribunal had made a final decision in their favor.

Under the provisions of the Law for Liberation, everyone over 18 years of age resident in the U.S. Zone had to register and to complete a personal questionnaire called "Meldebogen," showing his political history and other pertinent data. The "Kennkarte," or identification card, showed the bearer's denazification status under the Law for Liberation. By 31 May 1948, approximately 13 million people had registered.

The Law created Ministries of Political Liberation in each Land, as well as courts known as trial tribunals (Spruchkammern) in each city and county, appellate courts, and a prosecuting staff.

The Law made chargeable not only Nazi officials and party members, but also all members of the Nazi formations (except the Hitler-Jugend and the Bund Deutscher Maedel). ^{1/} All such persons were removed summarily from any positions above ordinary labor and could not be reemployed until there had been a final tribunal decision in their favor.

The prosecuting attorney and his staff separated the Meldebogen into two main groups: those of persons who were chargeable under the Law, and those of persons who apparently were not chargeable under the Law. It was then apparent that a large proportion of the entire adult population would be incriminated to some degree under the Law. Therefore, immediately after the Law went into operation, pressure was exerted locally by all those who had been ordinary members of the party and its affiliates to force the trial of their cases so that they could resume their positions. Regulations required that the heavily incriminated Nazi activists should be tried first, but these persons exerted no pressure, as they realized they would in all probability be given severe sanctions. So, the personnel of the Tribunals concentrated on the "not chargeable" cases, and the trials of the heavily incriminated proceeded with disappointing slowness.

A further result of the local pressure by the less incriminated persons was a tendency on the part of the tribunals during the first few months to devote all their time and energy not only to the consideration of the not-chargeable cases, but also, in bringing chargeable persons to trial, to concentrate on the less-incriminated cases. However, after November 1946, progress was made in the clearing of the docket of non-chargeable cases, but there was no improvement and even some deterioration in the completion of trials of the incriminated.

DENAZIFICATION CASES NOT CHARGEABLE
COMPLETED BY TRIAL TRIBUNALS
October 1946-March 1947
Bavaria, Wuerttemberg-Baden, Hesse ^{2/}
BY MONTHS

During Month of	Found Not Chargeable	Completed by Trial Tribunals
1946 October	210,982	32,034
November	211,569	39,432
December	111,563	36,710
1947 January	270,824	28,323
February	436,453	28,145
March	697,532	28,396

^{1/} The Hitler-Jugend (Hitler Youth) and Bund Deutscher Maedel (Association of German Girls) were Nazi youth organizations.

^{2/} As Bremen was under British regulations until 1 January 1947, the processes of the Bremen Law for Liberation were not as advanced as those of the three other Laender and figures cannot be included in these early tables.

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There were, for example, at the close of March 1947, 3,527,000 chargeable cases. The average monthly rate for the preceding six months had been 32,173 trials completed. At this rate, it would have taken 8 1/2 years to complete the trials of those who were incriminated.

One of the ways in which the work-load of the trial tribunals could be reduced, and the ends of justice well served, was to simplify the trial process by extending an amnesty for those whose party records showed only nominal associations as party members. An amnesty had already been extended in August 1946 to those who would be charged as follower or less and had been born after 1 January 1919, and which was therefore known as the "Youth Amnesty." On 24 December 1946 the amnesty principle was extended to those whose chargeable status would not be higher than follower, and who were either in a low income group or at least 50 percent disabled. This amnesty, called the "Christmas Amnesty," removed about 1,200,000 chargeable persons from trial. During this period the efforts of all denazification personnel were concentrated on determining who should come within the terms of the amnesties and in so notifying them.

DENAZIFICATION PROCEEDINGS QUASHED BY PUBLIC PROSECUTORS AS A RESULT OF YOUTH AND CHRISTMAS AMNESTIES FIRST QUARTER OF 1947 Bavaria, Wuerttemberg-Baden, Hesse

a/

As of End of Month	Number
January 1947	202,413
February	266,758
March	413,671

a/ See the preceding footnote on the status of denazification proceedings in Bremen.

Findings by the Trial Tribunals

There was considerable variation between the charges filed by the prosecutors and the findings of the tribunals, due to the fact that the prosecutors were required to charge persons in the categories named in the appendix to the law irrespective of the evidence. It followed in many cases that the evidence presented at the trial did not sustain the charge.

COMPARISON OF DENAZIFICATION CHARGES BY PROSECUTORS WITH FINDINGS BY TRIAL TRIBUNALS Cumulative as of 31 March 1947 Bavaria, Wuerttemberg-Baden, Hesse

Charges by Public Prosecutors	Total	Findings by Trial Tribunals						Amnes- tied	Other- wise
		Major Offend- ers	Offend- ers	Lesser Offend- ers	Follow- ers	Exoner- ated	Proceedings Quashed		
Total	251,845	501	5,552	22,194	176,073	13,756	30,551	3,218	
Major Offenders	2,548	447	1,139	714	170	50	18	10	
Offenders	59,192	54	4,268	14,402	29,761	1,989	8,378	340	
Lesser Offenders	41,554	0	131	6,795	26,521	2,494	5,302	311	
Followers	124,288	0	13	279	119,376	2,836	1,364	420	
Exonerated	24,263	0	1	4	245	6,387	15,489	2,137	

Not only was there considerable variation between the charges and the findings, but there was also considerable variation between the previous findings by Military Government of those individuals who had been screened by the Special Branches and the findings of the trial tribunals. This variation was to be expected, however, since

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the status as determined by the Special Branches resulted from an administrative decision and not a judicial finding, and since it was determined on the basis of a categorical approach and in relation to a special set of circumstances, namely, fitness for a particular post or activity.

NUMBER AND PERCENTAGE COMPARISON OF DENAZIFICATION FINDINGS BY
PUBLIC PROSECUTORS AND TRIBUNALS WITH PREVIOUS CLASSIFICATION
BY LOCAL SPECIAL BRANCHES
Cumulative through 31 March 1947 (from 1 June 1946)
Bavaria, Wuerttemberg-Baden, and Hesse

Findings under the Law for Liberation	Total	Previous Special Branch Classifications						No Previous Special Branch Investigations Made			
		Non-Employment Manditory		Employment Discretionary		Other Previous Special Branch Adverse Recommendation		Classifications			
		Number	%	Number	%	Number	%	Number	%	Number	
Total	3,427,354	100.0		42,942	100.0	18,405	100.0	246,597	100.0	3,119,370	100.0
Major Offenders	408	a/		75	0.2	2	a/	9	a/	322	a/
Offenders	4,893	0.1		1,334	3.1	113	0.6	33	a/	3,353	0.1
Lesser Offenders	19,006	0.6		6,697	15.6	632	3.4	436	0.2	11,241	0.4
Followers	158,027	4.6		26,837	62.5	12,052	65.5	21,922	8.9	97,216	3.1
Persons Exonerated	8,241	0.2		1,704	4.0	591	3.2	1,635	0.7	4,311	0.1
Proceedings Quashed	208,438	6.1		4,253	9.9	2,949	16.1	16,903	6.8	184,353	5.9
Persons not chargeable	3,028,341	88.4		2,042	4.7	2,066	11.2	205,659	83.4	2,818,574	90.4

a/ Less than 0.05 percent

Trials of Inmates of Civilian Internment Enclosures

In addition to the SHAEF directives on the removal of active Nazis from posts of responsibility, the occupying forces were directed automatically to arrest and intern specified categories of Nazi leaders, persons in high governmental posts during the Third Reich, and members of the organizations indicted as criminal by the International Military Tribunal. Under this program, by the end of 1945, over 100,000 persons had been arrested and interned by U.S. forces.

In February 1946 the categories of mandatory arrestees and internees were curtailed, and those who no longer fell in the automatic arrest categories were screened by the U.S. forces. Those who were not suspected of war crimes or wanted as witnesses were released. This program continued until October 1946, when the civilian internment enclosures were progressively transferred to the German Denazification Ministries.

The decision was made by Military Government to transfer those civilian internees not wanted by the Allies for war crimes to the German denazification authorities for trial under the Law for Liberation. The German authorities established tribunals in the enclosures to try the internees but the program was slow in getting under way because of the shortage of trained personnel and facilities in the camps.

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DENAZIFICATION PRISONERS IN GERMAN ENCLOSURES
BY FORMER NAZI-AFFILIATION AND BY TRIAL
STATUS
As of 31 March 1947
Bavaria, Wuerttemberg-Baden, Hesse

Former Nazi-Affiliation	Total	Still Awaiting Trial or Result of Trial or Appeal	Serving Sentence Imposed by Tribunals (Decision final)
Total	50,747	50,485	262
SD a/	740	740	0
Gestapo b/	1,430	1,427	3
SS c/	26,212	26,191	21
Leadership Corps d/	17,471	17,361	110
All Others	4,894	4,766	128

- a/ Sicherheitsdienst (Security Service of the SS)
b/ Gestapo (Secret State Police)
c/ Schutzstaffel (Nazi Elite Guard)
d/ Leadership Corps (Official Hierarchy of the Nazi party)

In Land Bremen a Law for Liberation from National Socialism and Militarism became effective on 9 May 1947.

BREMEN DENAZIFICATION DATA
CUMULATIVE AS OF 31 March 1947

	Number
Registrations received	153,089
Registrants apparently not chargeable	114,408
Cases instituted	7,479
Cases completed	4,821

The close of March 1947 represented the end of the first period of activity under the Law for Liberation, as the backlog of non-chargeable cases had been reduced to a negligible number. The level of performance of Spruchkammern (Denazification tribunals) during April 1947 was greatly accelerated, the number of completed cases being 37,302 during the month as compared with 28,396 for March. The emphasis in April was placed upon the trials of those persons charged as major offenders, offenders, and lesser offenders, rather than on the less incriminated cases. While only 36 percent of the cases completed in November 1946 were those of major offenders, offenders, and lesser offenders, they represented 73 percent of cases completed in April 1947. Considerable progress also was made during April in the task of mailing notices of non-incrimination to those who had been amnestied or found not chargeable. Eighty percent of the total had been so notified as of the end of April 1947. During that month alone 2,373,377 notices were mailed.

In Internment Enclosures the tribunals disposed of 691 cases during March 1947, completing 488 trials and quashing proceedings for valid reasons in the case of 203. During the month 2,903 cases in the enclosures had been processed and 847 persons found as major offenders and offenders.

Final Phase of the Demazification Program

During the latter part of the denazification program, Military Government was

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particularly concerned with the acceleration of trials and the period was characterized by gradual removal of controls and supervision of the program. Military Government also made an examination of the extent to which the legal restrictions on employment of Nazis, as set forth in the law, and the employment sanctions imposed by tribunals, were being observed in public agencies and private enterprises; and of the enforcement of sanctions.

Acceleration of First Trials

The status of denazification as of 31 May 1947, based upon a survey of the three Laender made by the Ministers of Political Liberation, showed that of the 11,923,000 registrations received up to that time, 959,000 had been classified by the prosecutors as belonging to persons who were heavily incriminated and would be charged as major offenders, offenders, or lesser offenders. An additional 472,000 would be charged as being less heavily incriminated, but subject to trial. Of the remainder, 8,631,000 had been determined to be not chargeable under the Law, 888,000 had been amnestied because of age, and 973,000, because of economic status or physical impairment. Of the heavily incriminated group, 18 percent had been tried, and of the less heavily incriminated group, 38 percent had been tried. It was clearly apparent that the program was far from completed.

As of 30 September 1947, a survey of the monthly accomplishments and of the cumulative trial totals of the Tribunals during the preceding six months indicated consistent improvement, but also a heavy workload of uncompleted cases. At the current rate of progress it would still be two years before the program would be completed.

From April to September 1947, every effort had been made by Military Government to assist the Ministers of Political Liberation with these problems, both through the Special Branches in the Land Military Government Offices and by a special Military Government staff. However, the maintenance of personnel to keep the clerical work abreast of the trial processes, the limited time which the part-time assessors could devote to their duties, the limitations on transportation, materials, and light all tended to reduce accomplishment and delay the completion of the program.

COMPARISON OF DENAZIFICATION TRIALS COMPLETED
BY TRIAL TRIBUNALS
April 1947 - September 1947
Bavaria, Wuerttemberg-Baden, Hesse

Month	Trials Completed during Month
April 1947	37,302
May	43,800
June	36,918
July	38,399
August	34,824
September	40,501
Cumulative as of 30 September 1947	472,121
Chargeable Cases not yet Completed as of 30 September 1947	898,697

First Amendments to the Law for Liberation

The results of the mandatory charge provisions of the Denazification Law had long been a matter of concern to the staffs of the ministries and were being carefully watched by Military Government. The German authorities held that public prosecutors should have the right to determine the charge on the basis of each investigation and

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the evidence available, and Military Government had seen that, in spite of the mandatory charge provisions, the tribunals had based their findings upon evidence of activity during the Nazi regime and not solely upon rank in the Nazi party or membership held. One other problem was that of the "followers", who had not been included in the amnesties and who continued to insist on early trials so they would not be compelled to remain in positions of ordinary labor. Therefore, in October 1947 when the German Land Governments presented amendments to correct these two points and thereby expedite the processing of chargeable cases, they were approved by Military Government.

These amendments provided that the charges previously required for offender and lesser offender would no longer be mandatory for those persons who were not members of organizations which had been found criminal by the International Military Tribunal and against whom there was no evidence of activity in the Nazi party other than membership; that persons chargeable as followers under the law might resume all positions prior to their appearance before a tribunal except certain key posts; and that tribunals would have discretion in setting the length of probation for lesser offenders, previously set at a minimum period of two years.

The amendments did not change the basic objective of denazification, which continued to be the seeking out and punishing of the real offenders of the Nazi regime. They did permit, however, charges to be made in accordance with the actual evidence, and not merely in accordance with the mandatory provision of the law. In addition, persons who were subject to charge as followers could resume positions other than ordinary labor pending trial. Finally, a discretionary factor was approved in setting the probation term for a lesser offender, in view of the penalties under which he had been already placed since the passage of the law. These penalties included exclusion from all jobs other than ordinary labor, blocking of property, and limitation on rights of citizenship.

While there was an understandable delay in establishing the techniques under which the implementation of the amendments was to be effected, the results of the amendments are clearly evident in the operations in December 1947 and in the following months.

MONTHLY COMPARISON OF CHARGEABLE CASES COMPLETED BY DENAZIFICATION TRIAL TRIBUNALS

October 1947 - March 1948, and Cumulative as of 31 March 1948
Bavaria, Wuerttemberg-Baden, Hesse

Month	Total Cases Completed during Month	Amnestied without Trial during Month	Trials Completed during Month
October 1947	52,935	7,229	45,708
November	53,022	8,411	43,611
December	177,213	107,224	69,989
January 1948	133,686	75,641	58,045
February	114,229	71,987	43,142
March	128,252	84,703	43,549
Cumulative as of 31 March 1948	2,899,490	2,155,742	743,741
Chargeable Cases to be Completed as of 31 March 1948	351,998		

During the months prior to December 1947, the uncompleted workload of chargeable cases had been reduced at an average monthly rate of approximately 50,000. In December the workload was reduced by 177,213 cases, 117,870 of which were subject to the new expediting process made possible by the amendments.

An inventory of cases still to be completed was made in January 1948 which

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permitted an approximate time schedule of the program to be set up. In the U.S. Zone, there remained to be tried on 31 January 1948, 519,697 cases (or 4.2% of the 12,265,046 total number of registrants) of which 287,795 (or 55%) would be subject to the expedited trial process arising from the amendments, and leaving a greatly reduced number, namely 231,902 (45%) to be tried in the normal manner. This latter number (1.9% of the total number of registrants) was subject to further screening. This situation represented a complete reversal from that at the end of December 1947, when the data submitted indicated that 62 percent of the backlog still remained to be tried by normal procedures, and only 38 percent of the backlog was subject to the expedited process.

Further Amendments to the Law

In spite of the wholesome effect of the amendments of October, there still remained factors that continued to retard the processing of the trial cases. Further amendments to the Law for Liberation were made, therefore, in March 1948. These amendments allowed Public Prosecutors full discretion in filing charges against incriminated persons except persons charged as class I offenders before the tribunals; removed pre-trial restrictions against all untried persons except those in the Class I categories 1/ allowing them to reenter all positions in private industry and business except key positions; and allowed tribunals in passing sentence on lesser offenders and followers to consider pre-trial restrictions under which chargeable persons had been living.

In addition, during April 1948, Military Government directly aided the German denazification agencies by making available to them Military Government facilities, records, and assistance in selecting the most heavily incriminated cases for formal trials. Prosecutors were authorized to dispose of the remainder of the untried cases, where there was no evidence except nominal rank or membership in the Nazi Party, by routine written proceedings which would not interfere with the formal trials of the heavily incriminated.

The target of 1 May 1948, which had been set for the completion of all first trials, was met with the exception of a relatively small number (32,000) of heavily incriminated cases, which still remain to be tried, and which constitute about 0.03 percent of the total denazification program. This number does not include new registrants who continue to register under the Law at the average rate of about 20,000 per month. These persons include returning prisoners of war, refugees, and infiltrates and other persons establishing domicile in the U.S. Zone for the first time.

STATUS OF DENAZIFICATION OPERATIONS
As of 31 May 1948
U.S. Zone (incl. Bremen) a/

	Number	Percent
Total Registrants	12,797,703	100.0
Not Chargeable Cases	9,467,073	74.0
Total Chargeable Cases	3,330,630	26.0
Chargeable Cases Completed	3,238,923	25.3
Amnestied without Trial	2,373,115	18.5
Trials Completed	865,808	6.8
Chargeable Cases to be Completed	91,707	0.7
By Trial	31,707	0.2
By Expediting Process	b/ 60,000	0.5

- a/ Bremen figures can be included in this table as operations for the Law for Liberation had reached a point comparable to the operations in the other three Laender.
b/ These cases apply to Bavaria only and are completed, except for routine clerical work.
1/ Class I includes presumptive major offenders.

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Quadrilateral Denazification Negotiations

Almost immediately after quadrilateral government was set up in Germany, negotiations were begun to carry out the denazification provisions of the Potsdam Declaration on a uniform basis throughout Germany, and on 12 January 1946 the Allied Control Council issued Control Council Directive 24, which established an identical policy governing the removal and exclusion of Nazis and militarists from employment in all four zones of occupation. Control Council Directive No. 24 1/ follows very closely the provisions of the denazification directive of 7 July 1945 referred to above and represents a substantial U.S. contribution to quadrilateral policy in this field. In the U.S. Zone this directive was already being implemented by the earlier USFET directive.

Shortly after the promulgation of Control Council Directive No. 24 the Law for Liberation was enacted in the U.S. Zone (5 March 1946).

The Law for Liberation completely changed the concept of the denazification program in the U.S. Zone. Under its provisions, Nazis were brought to trial and a final decision made by the tribunals on the basis of the evidence; the policy in force before its enactment merely called for the removal of certain categories of Nazis from office and the blocking of their property, but had no provisions for a final legal decision. Therefore, after the Law for Liberation was enacted the U.S. delegation introduced another proposal in the Control Council which would extend to all of Germany the definition of categories and the sanctions contained in the U.S. Zone Law for Liberation. In October 1946, after further months of negotiation, this proposal was enacted as Control Council Directive No. 38. 2/ However, because of the denazification programs already embarked upon by the other three powers, it was necessary to allow wide discretion in the directive to zonal commanders as to the means by which the program would be carried out. It was thus not possible to get agreement on a binding, completely uniform directive.

In April 1947 the Council of Foreign Ministers (CFM), meeting in Moscow, agreed on a five point denazification program for Germany. This agreement specified that the trial of war criminals and leading Nazis would be expedited and completed in Germany as soon as possible; that responsibility for carrying out the denazification program was to be transferred to German authorities; and steps would be taken to complete the removal of Nazis from important positions. When the Control Council received the Council of Foreign Ministers' directive, negotiations began immediately to implement the program in Germany. Each of the delegations presented a proposal for implementing the Council of Foreign Ministers' agreement in the light of its own interpretation. The Russian delegation in particular refused to agree to turning the responsibility for the program over to the German governmental authorities as had been done in the U.S. one over a year before in March 1946. Several proposals were submitted and all were vetoed by the Soviet delegation. Therefore, no uniform implementation of the CFM agreement on denazification was ever promulgated by the Control Council. Again, as in the case of the two previous quadrilateral denazification directives, the agreement of the Council of Foreign Ministers was being implemented in toto in the U.S. Zone.

Denazification in the Other Zones of Occupation of Germany

A brief summary of denazification operations in the three other zones is given in order to provide a certain degree of perspective as regards the program in the U.S. Zone.

Soviet Zone

In the early denazification negotiations of the Control Council, the Soviet occupation forces seemed to have had no uniform policy or procedures regarding dena-

1/ See Annex K for text.

2/ See Annex L for text.

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zification. Persons classed by them as war criminals were arrested and interned and in many cases were given summary military trials. After the enactment of Control Council Directive No. 24, a large scale program of removing Nazis from important positions was undertaken in the Soviet Zone. Particular emphasis was placed on business owners, public officials and persons in important private positions. However, there was no uniform registration or concerted effort to bring all incriminated persons to justice.

It appears also that the denazification procedures varied considerably from place to place in the Soviet Zone. In some areas German commissions, of persons reported to be reliable Communists screened persons under the denazification directives and in other places the Soviet Military Administration carried out the program directly.

Late in September 1947 the Soviet Commander-in-Chief in Germany issued a law known as Law No. 201, 1/ which was binding throughout the Soviet Zone. This law granted a virtual amnesty to nominally incriminated Nazis and ordinary party members and called for the creation of German denazification commissions throughout the Zone to screen the remaining Nazis in office and provide for the trial of leading Nazis and "war criminals" in Land tribunals. It appears that this program was not uniformly applied during the ensuing months.

In March 1948 the Soviet Commander-in-Chief issued another order 2/ calling for an end to the work of the denazification commissions and stating that the denazification program was completed in the Soviet Zone except for the continuation of the trials of "war criminals" as they were apprehended.

French Zone

The territory comprising the French zone of occupation had been originally occupied by allied armies, who operated under SHAEF, and, therefore, SHAEF denazification directives were applied in that area from the beginning of the occupation. In the summer of 1945, when the Zone was turned over to the French administration, a basis already existed for the application of the plan of removal of active Nazis from important positions. French military authorities continued this program and with the enactment of Control Council Directive No. 24 implemented its provisions. Some months after the enactment of the Law for Liberation in the U.S. Zone, the Laender in the French Zone enacted similar denazification laws. There were, however, two important differences between the laws enacted in the French Zone and the Law for Liberation in the U.S. Zone: (1) there was no requirement that everyone register under the law, and (2) there was a much closer supervision and control of the German tribunals by French Military Government. This meant that only limited numbers of persons were proceeded against in the French Zone and the decisions were subject to the approval of the French authorities.

Operations are continuing under the French Zone laws, but it is believed that they will terminate the program when the trials of leading and influential persons have been completed.

British Zone

Similarly, the British occupying authorities implemented the SHAEF directives in the early days of their occupation. The procedures were virtually identical with those applied in the U.S. Zone. British Military Government had Special Branch officers who required the filing of Fragebogen (questionnaires) by persons in leading public offices and private positions and these cases were vetted and, if found to be within the mandatory removal categories, were removed from office. After the enactment of Control Council Directives Nos. 24 and 38, British Military Government

1/ See Annex Q for text.

2/ The text of this order is not available.

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implemented these directives by "Zonal Executive Instructions No. 3 and 54." 1/ This differed in several important respects from the Law for Liberation in the U.S. Zone. There was no requirement for the registration of the population, the operation was continued by German denazification commissions under the supervision of British Military Government, and the categories of Control Council Directive No. 38 were interpreted somewhat differently than under the Law for Liberation. British Military Government divided the program into two distinct parts: One, the trial of war criminals and members of the organizations found criminal by the International Military Tribunal; and two, the removal and exclusion from office of lesser Nazis. The tribunals for the trials of war crimes operated directly under British legal authorities and the denazification panels for the lesser incriminated operated under the British public safety office.

The British program was ended officially in January 1948, when the British Military Governor announced that there would be no more removals from office under the denazification program. The trials of members of the criminal organizations are continuing, and it is believed that the trials of all those persons now in internment centers will be completed.

While all persons in public office and important private positions were investigated in the British Zone, it was possible for Nazis who held no position and who had applied for none to escape the screening and the application of sanctions.

A comparison of the results of the program in the four zones may be gained from the following table, which is based on data submitted by the four powers to Allied Control Authority on 1 January 1947. There has been no submission of uniform quadripartite statistics on denazification since that time.

REMOVALS AND EXCLUSIONS FROM PUBLIC OFFICE AND PRIVATE BUSINESS UNDER THE DENAZIFICATION PROGRAM

As of 1 January 1947

Four Zones and Berlin

	From Beginning of Occupation		From 1 January 1946	
	U.S. Zone and Sector	Soviet Zone and Sector	British Zone and Sector	French Zone and Sector
	Total	Removed	Excluded	
Total	418,307	390,478	169,142	63,559
Removed	292,089	307,370	112,577	55,044
Excluded	126,218	83,108	56,565	8,515

1/ Texts not reprinted in Annex inasmuch as these instructions implement and closely correspond to Control Council Directives Nos. 24 and 38.

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ANNEX A

JOINT CHIEFS OF STAFF
DIRECTIVE TO COMMANDER IN CHIEF OF U. S. FORCES OF
OCCUPATION REGARDING THE MILITARY GOVERNMENT OF GERMANY
(Excerpt)

J.C.S. 1067/6
26 April 1945

6. Denazification:

a. A proclamation dissolving the Nazi party, its formations, affiliated associations and supervised organizations, and all Nazi public institutions which were set up as instruments of party domination, and prohibiting their revival in any form, should be promulgated by the Control Council. You will assure the prompt effectuation of that policy in your zone and will make every effort to prevent the reconstitution of any such organization in underground, disguised or secret form. Responsibility for continuing desirable non-political social services of dissolved party organizations may be transferred by the Control Council to appropriate central agencies and by you to appropriate local agencies.

b. The laws purporting to establish the political structure of National Socialism and the basis of the Hitler regime and all laws, decrees and regulations which establish discriminations on grounds of race, nationality, creed or political opinions should be abrogated by the Control Council. You will render them inoperative in your zone.

c. All members of the Nazi party who have been more than nominal participants in its activities, all active supporters of Nazism or militarism and all other persons hostile to Allied purposes will be removed and excluded from public office and from positions of importance in quasi-public and private enterprises such as (1) civic, economic and labor organizations, (2) corporations and other organizations in which the German government or subdivisions have a major financial interest, (3) industry, commerce, agriculture, and finance, (4) education, and (5) the press, publishing houses and other agencies disseminating news and propaganda. Persons are to be treated as more than nominal participants in party activities and as active supporters of Nazism or militarism when they have (1) held office or otherwise been active at any level from local to national in the party and its subordinate organizations, or in organizations which further militaristic doctrines, (2) authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations (3) been avowed believers in Nazism or racial and militaristic creed, or (4) voluntarily given substantial moral or material support or political assistance of any kind to the Nazi party or Nazi officials and leaders. No such persons shall be retained in any of the categories of employment listed above because of administrative necessity convenience or expediency.

d. Property, real and personal, owned or controlled by the Nazi party, its formations, affiliated associations and supervised organizations, and by all persons subject to arrest under the provisions of paragraph 8, and found within your zone, will be taken under your control pending a decision by the Control Council or higher authority as to its eventual disposition.

e. All archives, monuments and museums of Nazi inception, or which are devoted to the perpetuation of German militarism will be taken under your control and their properties held pending decision as to their disposition by the Control Council.

f. You will make special efforts to preserve from destruction and take under your control records, plans, books, documents, papers, files, and scientific, industrial and other information and data belonging to or controlled by the following:

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- (1) The Central German Government and its subdivisions, German military organizations, organizations engaged in military research, and such other governmental agencies as may be deemed advisable;
- (2) The Nazi party, its formations, affiliated associations and supervised organizations;
- (3) All police organizations, including security and political police;
- (4) Important economic organizations and industrial establishments including those controlled by the Nazi party or its personnel;
- (5) Institutes and special bureaus devoting themselves to racial, political, militaristic or similar research or propaganda.

7. Demilitarization:

- a. In your zone you will assure that all units of the German armed forces, including para-military organizations, are dissolved as such, and that their personnel are promptly disarmed and controlled in accordance with policies and procedures set forth in the instrument of unconditional surrender or in other directives which may be issued to you. Prior to their final disposition, you will arrest and hold all military personnel who are included under the provisions of paragraph 8.
- b. The Control Council should proclaim, and in your zone you will effectuate the total dissolution of all military and para-military organizations, including the General Staff, the German Officers Corps, the Reserve Corps and military academies, together with all associations which might serve to keep alive the military tradition in Germany.
- c. You will seize or destroy all arms, ammunition and implements of war and stop the production thereof.
- d. You will take proper steps to destroy the German war potential, as set forth elsewhere in this directive.

8. Suspected War Criminals and Security Arrests:

- a. You will search out, arrest, and hold, pending receipt by you of further instructions as to their disposition, Adolf Hitler, his chief Nazi associates, other war criminals and all persons who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes.
- b. All persons who, if permitted to remain at large would endanger the accomplishment of your objectives will also be arrested and held in custody until trial by an appropriate semi-judicial body to be established by you. The following is a partial list of the categories of persons to be arrested in order to carry out this policy:
 - (1) Officials of the Nazi party and its formations, affiliated associations, and supervised organizations, down to and including local group leaders (Ortsgruppenleiter) and officials of equivalent rank;
 - (2) All members of the political police, including the Gestapo and Sicherheitsdienst der S.S.;
 - (3) The officers and non-commissioned officers of the Waffen S.S. and all members of the other branches of the S.S.;
 - (4) All General Staff Corps officers;

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(5) Officials of the police holding a rank, or equivalent positions of authority, above that of lieutenant;

(6) Officers of the SA holding commissioned rank;

(7) The leading officials of all ministries and other high political officials down to and including urban and rural buergermeister and officials of equivalent rank, and those persons who have held similar positions, either civil or military, in the administration of countries occupied by Germany;

(8) Nazis and Nazi sympathizers holding important and key positions in (a) National and Gau civic and economic organizations; (b) corporations and other organizations in which the government has a major financial interest; (c) industry, commerce, agriculture, and finance; (d) education; (e) the judiciary; and (f) the press, publishing houses and other agencies disseminating news and propaganda. It may generally be assumed in the absence of evidence to the contrary that any persons holding such positions are Nazis or Nazi sympathizers;

(9) All judges, prosecutors and officials of the People's Court (Volksgerichtshof), Special Courts (Sondergerichte) and other extraordinary courts created by the Nazi regime;

(10) Any national of any of the United Nations or associated states who is believed to have committed offenses against his national law in support of the German war effort;

(11) Any other person whose name or designation appears on lists to be submitted to you by the Joint Chiefs of Staff or whose name may be so notified to you separately. If in the light of conditions which you encounter in Germany, you believe that it is not immediately feasible to subject certain persons within these categories to this treatment, you should report your reasons and recommendations to your government through the Joint Chiefs of Staff. If you believe it desirable, you may postpone the arrest of those whose cases you have reported, pending a decision communicated to you by the Joint Chiefs of Staff. In no event shall any differentiation be made between or special consideration be accorded to persons arrested, either as to manner of arrest or conditions of detention, upon the basis of wealth or political, industrial, or other rank or position. In your discretion you may make such exceptions as you deem advisable for intelligence or other military reasons.

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ANNEX B

SUPREME HEADQUARTERS

ALLIED FORCES OFFICE OF THE CHIEF OF STAFF

(Excerpt from "Handbook for Military Government in Germany.")

CHAPTER II

ERADICATION OF NAZISM

Section I

GENERAL

275. OBJECTIVES. It is the declared war aim of the United Nations to extirpate both ~~Nazism~~ and Militarism in Germany. Both of these forces are represented in, and closely interwoven with, the Army, the Government in war production and civil administration, and in the Party Organizations themselves. It will, therefore, be necessary to effect:

- (a) the destruction of the Nazi Party and its subsidiary non-military political organizations;
- (b) the demobilization and disbandment of the armed forces and of Nazi military and para-military formations;
- (c) the purging, re-organization and control of the police;
- (d) the dismissal of all active Nazis and ardent sympathizers of the Party and of all militarists and leading military figures from Government offices and from other positions of influence and trust;
- (e) the dismantling of super-centralized and typically Fascist agencies of government and of agencies for war mobilization and production.

276. The foregoing will be accomplished upon the basic principle that active Nazis or ardent Nazi sympathizers will, in no circumstances, be retained in office for purposes of administrative convenience or expediency; that the National Socialist Party and its subsidiary organizations will be dissolved with the single exception that the administrative machinery of certain dissolved organizations may be used where necessary to provide the essential functions of relief, health and sanitation, after the elimination of Nazi personnel and of discriminatory features in the administration of their services.

277. An essential step, complementary to the removal of Nazis from governmental positions and positions of influence, will be the internment of certain government and Party officials and members of police and para-military formations, whose presence at large might be a threat to the security of the Allied Forces or an impediment to the attainment of the objectives of Military Government in Germany.

278. RESPONSIBILITIES. The dissolution of the National Socialist Party and its subsidiary organizations is a responsibility of Counter Intelligence personnel assisted by Military Government Officers. The demobilization and disbandment of Nazi military and para-military formations is a responsibility of Military Commanders. The purge of the police and the removal of Nazis from the civil administration of Germany is a responsibility of Military Government Officers in which they will be assisted by Counter Intelligence personnel. Military Government Officers, assisted by Counter Intelligence personnel, will be responsible for ensuring that those placed in civil administrative posts and other positions of influence and authority are not Nazis or ardent Nazi sympathizers. The reorganization of all types of administrative agencies necessary for government is the responsibility

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of Military Government Officers. Counter Intelligence personnel will be responsible for ensuring that Nazis who might, at liberty, be a danger to military security are interned or kept under surveillance.

Section II

DISSOLUTION OF NAZI INSTITUTIONS

279. ADMINISTRATIVE AGENCIES. The process of demobilization and de-Nazification will require the dismantling of those parts of the administrative structure which

- (a) were set up for war purposes,
- or (b) were set up for the government of occupied areas,
- or (c) are essentially Nazi in character.

The greater part of this work must be carried out centrally and, except for those agencies whose re-organization is required to be carried out locally as well as centrally, such work will not, until further instructions are issued, be the task of Military Government Officers. Such work as must be carried out by Military Government Officers is discussed herein.

280. PARTY ORGANIZATIONS. In the practical application of de-Nazification in the province of Military Government there are differences which must be recognized in the treatment to be accorded to the various Nazi organizations. The Party Organization itself and its subsidiary organizations will be abolished forthwith. All further activities of the para-military organization of the Party will be prohibited and their personnel and property will be subject to the orders of Military Commanders. The facilities and administrative organization of certain agencies, cleared of Nazi personnel and of National Socialist principles in the administration of their services, which serve useful functions, such as welfare, health and sanitation, may be preserved. Control of these agencies will be transferred to non-Nazi organizations at the direction of Military Government. An organization to be treated in this manner is the N.S. Volkswohlfahrt, an agency providing extensive and diversified relief and welfare facilities, whose activities will be transferred to the Wohlfahrtsamt under the Buergermeister. The organizations which are at once to be dissolved are listed in Table "A," and immediately on occupation Law No. 5 will be published dissolving and prohibiting further activity on the part of the Nazi Party and all of the subsidiary and para-military organizations listed in that Table and directing, where necessary, the disposition of personnel and property.

281. Additional Nazi organizations will have to be dissolved. Some of these organizations are central ones which can be disposed of most efficiently when there is effective control at Berlin. Military Government Officers will be furnished with lists and further directions with respect to the dissolution of any additional Nazi organizations.

282. All of the property of the organizations which have been abolished will be secured and controlled in the manner indicated in Chapter III of this handbook, "Finance and Property Control." Particular attention will be given to securing the records and archives of the organizations which are dissolved.

Section III

CONTROL AND ELIMINATION OF NAZI PERSONNEL

283. The elimination of Nazi Party members, and those who have collaborated with the Party, from positions of power and influence in political offices, and in the Civil Service, is an essential part of the process of eradicating Nazism. The

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manner of eliminating Nazi personnel will vary from case to case. In the case of high party officials, dismissal from office will not suffice; such individuals will not only have to be dismissed but will have to be arrested and imprisoned, or restricted in their actions. In the case of the holders of less important party or governmental offices, mere dismissal will suffice, though some control may have to be exercised over their movements.

284. In respect of dismissal, the policy of the Supreme Commander requires that the entire Nazi leadership will be removed from posts of authority and that no member of the German General Staff or holder of an office in the Nazi Party will occupy any official position. Political officials, civil servants and other officers holding the positions which are listed in Table "B" will be dismissed, or in the case of a few officials, suspended as a matter of principle. Many of these officers, as pointed out below, will also be arrested and detained. In considering the dismissal or internment of Nazi Party members in government offices, it must be clearly understood that the lists in the Tables appended to this Chapter should not be regarded as exclusive. As to the other officials, the general rule should be that no holder of office in the Nazi Party organization should be continued in a governmental position.

285. In the arrest or surveillance of high party officials, the holders of responsible governmental positions or the former members of the Nazi Police, Military Government Officers will give all practicable assistance to CIC, which is primarily responsible for carrying out such arrests. Table "C" gives a list of Nazi Police, Party, Para-Military and Government Officers who will be arrested and interned. It also provides an estimate of the number involved in Germany as a whole. It is estimated that roughly one-half of the officers of the ranks and organizations mentioned will be found in the area of the Supreme Commander's responsibility. Additional persons may be designated for internment by CIC from time to time.

286. THE ORTSGRUPPENLEITER AND THE PARTEI BEAUFTRAGTER IN LARGER TOWNS. As is indicated above, the lists of Party and other officials who are to be dismissed on principle or interned are not to be regarded as exclusive. While neither the Ortsgruppenleiter nor the Beauftragter der NSDAP is listed for detention by reason of his Party office alone, the positions in the Party organization and the extent of the indoctrination and possible influence of these officials may require their detention. The Ortsgruppenleiter may be regarded as a party official chosen for his complete loyalty to the NSDAP, with a responsibility for perpetuation and propagation of Nazi doctrine out of proportion to the position which he holds on the scale of Nazi offices. The Beauftragter der NSDAP is responsible for ensuring that all officials of any municipal organization are politically acceptable and that they remain politically loyal. His political surveillance usually extends to other members of the community as well. Military Government Officers will therefore be on the alert for, and give close attention to, any information that they may receive regarding political activities or activities perpetuating Nazi doctrines carried on by these officials. They will furnish any such information to CIC officers with a view to the internment of offenders. Naturally, no person who has held either of these Party positions will be retained in office or considered eligible for appointment to any other office.

Section IV

PROCEDURE FOR REMOVAL AND APPOINTMENT OF PUBLIC OFFICIALS

287. Public officials not automatically removed will be scrutinized in the order of the importance of their positions with a view to the elimination of active Nazis and ardent Nazi sympathizers and the retention or appointment of non-Nazis for the essential functions of civil administration. Each official and candidate for appointment will be required to record on a questionnaire (Fragebogen) detailed and specific information concerning his background and participation in Nazi

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activities and organizations. The information disclosed by the questionnaire will be checked against other sources of information, such as counter-intelligence, Nazi Party and police records, civil service certificates, publications and informants.

288. Officials holding certain offices or having certain political backgrounds will be dismissed from their positions forthwith, while the retention of others in office will be within the discretion of the Officer Commanding Military Government Detachment. A list of those Nazi positions which automatically entail the suspension from office of the holder are shown in Table "D." An analysis of the past record of each official will be made from the Fragebogen filled in by him, and a decision will be reached as to whether his dismissal is mandatory or whether he may be retained. The detailed procedure for the examination of Fragebogen is set out in the Public Safety Technical Manual.

289. Wherever possible, removals and appointments in the civil service will be made through German officials who are vested with power to remove under German law. Removal will be summary. Where removal through the German official is impracticable, removal will be effected directly by the Officer Commanding Military Government Detachment.

290. All appointments will be temporary and are subject to approval by higher Military Government authority.

291. **REMOVAL OF NAZIS FROM QUASI-GOVERNMENTAL POSITIONS.** Elimination of Nazism will also require the removal of persons holding positions of influence in certain business and commercial organizations outside of the government, originally similar to chambers of commerce and trade associations, but which have become agencies of governmental control, and have collaborated particularly closely with the Nazi Party and the German war machine. The organizations and positions from which such officials should be removed are listed in Table "E."

292. **THE JUDICIARY AND LAW OFFICIALS.** To achieve the elimination of Nazi elements from the judiciary, special measures are necessary. These should be initiated during the period while the courts are closed. The establishment of a working court system which will administer justice free from the principles of Nazi doctrine is an urgent requirement of Military Government. The first and most necessary step is to de-Nazify the Oberlandesgerichte, as these are the most suitable levels at which to impose control on the ordinary German court system. The members of the court will be suspended from office, as will be the General-Staatsanwaelte and Staatsanwaelte. The presumption is that the presidents of the Oberlandesgerichte and the General-Staatsanwaelte will be dismissed on principle unless, in the individual case, definite and over-riding reasons to the contrary are clearly established. The remaining judges of the Oberlandesgerichte and also the Staatsanwaelte should be carefully scrutinized on the lines laid down in the first two paragraphs of this Section, and removal should be effected on the principle that, at this level, it is better to start with a small and evidently reliable judicial nucleus, even at the cost of accumulating arrears of court business on the calendar, than to establish a full working system which may subsequently have to be interfered with. A new President should be selected from the existing bench only if clear evidence exists of his political independence. If none is available, every effort should be made to find a reliable and efficient ex-judge for this important post.

293. With regard to the rest of the judges and legal profession within such Oberlandesgericht area, a considerable measure of discretion should be exercised. The following general principles may afford guidance:

(a) Judges and prosecutors not considered suitable for responsible posts may, in some cases, be employed for such work as Land Registrar or Company Registrars, or for other appropriate subordinate posts.

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(b) The bench may be recruited from retired judges - by extending the age limit - or by appointing attorneys of good standing. The latter is possible under existing German law.

(c) Special attention should be given to the Kammervorstand or "Benchers." These are likely to be in all cases Nazi appointees and should probably all be dismissed. A temporary body should be reconstituted through appointment by the President of the courts.

(d) With regard to the rest of the legal profession, the standard to be generally applied should be one of professional integrity. Military Government Officers should aim at transferring responsibility for upholding this standard to the profession itself, through the disciplinary courts of the profession.

294. CONTROL OF POLICE OFFICIALS AND POLICE. The importance of police functions to Military Government and the vital role which police forces have played in the execution of the plans of the Nazi leaders and the extent of penetration of the regular German police by the Nazi Party, necessitate that special measures be taken. Military Government Officers, in co-operation with the CIC, will ensure the detention and control of the police officials listed in Table "C," and of any SS personnel in the special police, such as the Bahnschutz, Postschutz and others.

295. EDUCATION OFFICIALS. Removal of active Nazis, ardent Nazi sympathizers and militarists from the German educational system and eradication of Nazis and militaristic influence is a particularly difficult and important task. Reference is made to Chapter X, "Education and Religious Affairs," for further guidance with respect to teachers and other officials who are to be removed.

296. FINANCIAL SANCTIONS. In addition to actions outlined in this Chapter, steps will be taken to block ("freeze") the properties of individuals who would be classified as active Nazis or ardent Nazi sympathizers. Reference is made to Chapter III, "Finance and Property Control," for such procedures.

Section V

THE TASK OF THE MILITARY GOVERNMENT OFFICER

297. The Military Government Officer will be responsible:

(a) for publicizing and for enforcing the law relating to dissolution of the Nazi Party and the control of its property and records (Law No. 5);

(b) for the dismissal of the officers, referred to by rank or organization in this Chapter or who appear undesirable upon individual investigation;

(c) for ensuring that official positions in the German Administrative agencies and units within his cognizance are filled by persons who have been carefully investigated and are non-Nazis;

(d) for co-operation with the CIC in any steps which will facilitate or ensure the arrest, detention or necessary surveillance of the persons in the categories referred to in this Chapter.

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TABLE "A"

NAZI POLITICAL ORGANIZATIONS TO BE ABOLISHED

- A. Central Offices of the NSDAP
- B. Regional and Local Offices of Party Administration
- C. Professional, Political and other Party Organizations
- D. Para-Military and Police Organizations.

TABLE "B"

POLITICAL OFFICERS AND CIVIL SERVANTS WHO SHOULD BE DISMISSED OR SUSPENDED. (THE HOLDERS OF THE OFFICES MARKED WITH ASTERisks WILL BE SUSPENDED.)

TABLE "C"

NAZI PARTY, POLICE, PARA-MILITARY AND GOVERNMENTAL OFFICERS TO BE INTERNED.

Item	Title of Position	Number
1.	The Secret State Police (GESTAPO) .. All personnel	15,000
2.	Security Service of the SS (SD) .. All personnel	15,000
3.	Police Officials	
4.	Nazi Party Officials	
5.	Para-Military Officers	
6.	Public Officials	

TABLE "D"

POSITIONS IN NAZI PARTY ORGANIZATIONS AND FORMATIONS AND RELATIONS TO THE PARTY WHICH ARE TO BE REGARDED AS DISQUALIFYING IF HELD AT ANY TIME

TABLE "E"

QUASI GOVERNMENTAL POSITIONS FROM WHICH PRINCIPAL OFFICERS SHOULD BE REMOVED

- 1. Head of the National Economic Chamber (Reichswirtschaftskammer) and his immediate subordinates; or president or chairman of a Gau Economic Chamber or affiliated Economic Chamber.
- 2. Chairman, president or deputy of a Reichsgruppe or an Economic Group (Wirtschaftsgruppe).
- 3. Chairman, president or deputy of a National Transportation Group (Reichsverkehrsgruppe).
- 4. Wehr-Wirtschaftsfuehrer.

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ANNEX C

U. S. FORCES, EUROPEAN THEATER
7 July 1945, Directive

REMOVAL OF NAZIS AND MILITARISTS

Part 1: General Policy

1. Purpose

It is the purpose of this directive to set forth the policy to be followed in the U. S. Zone with respect to the removal and exclusion of Nazis and German Militarists from public office and positions of importance in quasi-public and private enterprises and to furnish detailed instructions to Military Government Officers in the execution of this policy. All other directives on this subject are repealed. All instructions on this subject are repealed only insofar as they are in conflict herewith.

2. Policy

One of the principal objectives of the war and of all military operations in GERMANY as stated in the official communique of the Crimea Conference is "to destroy German militarism and Nazism" and "to remove all Nazi and militarist influences from public offices and from the cultural and economic life of the German people". The policy as applied to the U. S. Zone is as follows:

"All members of the Nazi party who have been more than nominal participants in its activities, all active supporters of Nazism or militarism and all other persons hostile to Allied purposes will be removed and excluded from public office and from positions of importance in quasi-public and private enterprises. . . ."

3. Definitions

a. Persons are to be treated as more than nominal participants in party activities and as active supporters of Nazism and militarism when they have (1) held office or otherwise been active at any level from local to national in the party and its subordinate organizations, or in organizations which further militaristic doctrines; (2) authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations; (3) been avowed believers in Nazism or racial and militaristic creeds, or (4) voluntarily given substantial moral or material support or political assistance of any kind to the Nazi party or Nazi officials and leaders.

b. The term "public office" shall include all officials, civil servants, or employees in the governmental service excepting employment of such minor importance that the incumbent or appointee is not placed in a position to endanger Allied interests or commit acts hostile to Allied principles and purposes by reason of his employment.

c. The term "positions of importance in quasi-public and private enterprise" shall include policy making, executive positions and personnel officers in (1) civic, economic, and labor organizations; (2) corporations and other organizations in which the German government or subdivisions have a major financial interest; (3) important industrial, commercial, agricultural, and financial institutions; and (4) the press, publishing houses and other agencies disseminating news and propaganda. In the field of private or parochial education, the term shall include teachers as well as policy making or executive officials in such institutions.

d. The term "important industrial, commercial, agricultural and financial institutions" shall include all such institutions directly supervised, utilized or controlled by Military Government and all industrial, mining, public utility and

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commercial enterprises, combines and cartels which--by virtue of their capitalization (more than RM. 1,000,000), number of employees (more than 250), type of products produced or services in the economy of the region or community in which they operate. In the discretion of Military Government detachments, the removal of Nazi and militaristic influences from less important industrial, commercial, agricultural and financial institutions is authorized.

e. The term "removal" as used herein shall mean to discharge the person immediately and summarily from the position in question and to terminate his influence and participation therein, directly or indirectly. The property of all removed persons will be blocked. Persons removed from public office will not be entitled to the benefit of any pension or other civil service rights except with the consent of the Military Government Detachment.

4. Instructions for Removals and Exclusions

a. To assist in the carrying out of this policy, there is set forth in Part 2, a list of the categories of persons who are to be considered as more than nominal participants in the activities of the Nazi party, active supporters of Nazism or militarism, and as hostile to Allied purposes. The removal or exclusion from public office and from positions of importance in quasi-public and private enterprises of persons coming within the categories listed in Part 2 is mandatory.

b. No such persons are to be appointed or retained in public office or in positions of importance in quasi-public and private enterprises because of administration necessity, convenience or expediency. It is recognized however, that the removal of persons by categories may result in individual injustices in that investigation may establish that a person falling within some of the categories listed in Part 2 was in fact only a nominal Nazi. When such a person has been removed from or denied appointment to an essential administrative or technical position for which it is impossible to find a qualified replacement of acceptable political character, an application may be made to this Headquarters for his appointment or reinstatement in accordance with the provisions set forth in paragraph 5 of this Part 1. No such person may be appointed or reinstated until this Headquarters has registered its approval in writing.

c. In addition to the categories of persons listed in Part 2, you will remove or exclude from public office and positions of importance in quasi-public and private enterprises all persons whom you deem hostile to Allied purposes. Part 3 hereof sets forth criteria for your guidance in determining which persons may prove hostile to Allied purposes. The decision in these cases must rest in the exercise of a sound discretion.

d. Commanding Officers of Military Government Detachments may appoint or retain members of the NSDAP whom they believe to have been no more than nominal participants in the activities of the party and who do not come within the mandatory removal and exclusion categories listed in Part 2. In each such case a report containing the information and supporting data prescribed in Paragraph 5 c of this Part shall be sent direct to this Headquarters for review, with information copies to intermediate Military Government Headquarters.

e. Procedures to be followed and the respective responsibilities of various officers in carrying out the policies for removal and exclusion of Nazis and Militarists from public and private positions are set forth in Part 4.

f. The selection of persons for key positions, with adequate educational background, practical experience and freedom from Nazi and German Militaristic contaminations, collaboration and influence is of prime importance and will be given priority. Diligent search will be made for residents of the city or other governmental unit to be served for such suitable personnel replacements.

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5. Applications for Approval

a. Applications of Military Government Detachments for approval of appointments or reinstatements under Paragraph 4 b of this Part 1 shall be sent directly to this Headquarters, with information copies to intermediate Military Government Headquarters.

b. The application must contain a definite and precise statement covering the following points:

- (1) The importance of the position occupied or to be occupied and the necessity of the appointment of someone to carry on essential activities;
- (2) The technical qualifications of the individual and the impossibility of finding suitable replacement;
- (3) A statement that the individual was never more than a nominal Nazi as above defined.

c. The application must be accompanied by the following documents:

- (1) A copy of the Fragebogen (MG/PS/G/9a, revised 15 May 45);
- (2) A summary of the investigation conducted and the results of checks made against available civil service, police, party and other records.
- (3) A statement from the CO of the nearest CIC detachment concerning any security considerations involved or any information available from CI sources.

Part 2: Mandatory Removal and Exclusion Categories

1. War Criminals

Individuals on the War Crimes List of the United Nations War Crimes Commission.

2. The NSDAP

a. All persons who at any time have been officials or officers, or who at any time have occupied any post of authority in the NSDAP, from local NSDAP units to the national headquarters.

b. All members of the NSDAP who joined the party or were accepted for membership before 1 May 1937, or who have otherwise been more than nominal participants in activities of the NSDAP.

c. All members of the NSDAP who were selected and transferred to the party after four years service in the Hitler Jugend and upon attaining the age of eighteen.

Formations

3. Schutzstaffel (SS)

Officers and non-commissioned officers of the Waffen SS and all members of the other branches of the SS.

4. Sturmabteilung (SA)

Officers and NCO's of the SA at any time and all members who joined the SA prior to 1 April 1933.

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5. Hitler-Jugend (HJ) -- (including Bund Deutscher Maedel)

Officers of the HJ and of the Deutsche Jungvolk at any time. With respect to positions in the field of Education and Information Services -- all leaders at any time of the HJ and the Deutsche Jungvolk.

6. NSD-Studentenbund (NSDStB)

Officers at any time of this formation.

7. NS-Deutscher Dozentenbund (NSDoB)

Officers at any time of this formation.

8. NS-Frauenschaft (NSF)

Officers at any time of this formation.

9. Das Nationalsozialistische Kraftfahrkorps (NSKK)

Officers and NCO's at any time of this formation.

10. Das Nationalsozialistische Fliegerkorps (NSFK)

Officers and NCO's at any time of this formation.

Affiliated Organizations

All officials at any time of the following organizations:

11. Reichsbund der Deutschen Beamten

12. Deutsche Arbeitsfront (DAF), including particularly representatives who have acted as Betriebsobmaenner in business establishments.

13. NS-Volkswohlfahrt (NSV), including NS-Reichsbund der Deutschen Schwestern

14. NS-Kriegsopferversorgung (NSKOV)

15. NS-Bund Deutscher Technik (NSBDT)

16. NS-Deutscher Aerztekongress (NSDAB)

17. NS-Lehrerbund (NSLB)

18. NS-Rechtswahrerbund (NSRB)

Supervised Organizations

All officials at any time of the following organizations:

19. Deutsches Frauenwerk

20. Reichsbund Deutsche Familie

21. NS-Reichsbund fuer Leibesuebungen

22. NS-Altherrenbund

23. Deutsche Studentenschaft

24. Deutscher Gemeindetag

25. Reichs-Dozentenschaft

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Other Nazified Organizations

All officials at any time of the following organizations:

26. Der Reichsarbeitsdienst (RAD)

Officers of the RAD at any time down to and including the rank of Arbeitsfuehrer.

27. Volksbund fuer das Deutschtum im Ausland (VDA)

28. Reichskolonialbund

29. Reichsluftschutzbund

30. Deutsche Jaegerschaft

31. Reichskulturkammer and subsidiary bodies.

32. Institut zur Erforschung der Judenfrage

33. Kameradschaft USA

34. Ibero-Amerikanisches Institut

35. Weltdienst

36. Deutscher Fichte-Bund

37. Deutsches Auslandinstitut (DAI)

38. Staatsakademie fuer Rassen- und Gesundheitspflege

39. Deutsche Akademie, Munich

40. Osteuropaeisches Institut

41. Amerika-Institut

42. Werberat der Deutschen Wirtschaft

Nazi Honors

Recipients of the following Party decorations:

50. National Socialist Order of Blood of 9 November 1923 (National Sozialistischer Blutorden vom 9. November 1923)

51. Insignia of Honor for the first 100,000 members (Ehrenzeichen fuer Mitglieder unter Nummer 100 000)

52. Coburg Badge (Coburger Abzeichen)

53. Nuernberg Party Convention Badge of 1929 (Nuernberger Parteiaabzeichen von 1929)

54. Badge of the SA Convention at Braunschweig of 1931 (Abzeichen vom SA-Treffen Braunschweig 1931)

55. Gold Hitler Youth Badge (Goldenes HJ-Abzeichen)

56. Nazi Party Service Badges (NSDAP Dienstauszeichnungen)

57. District Insignia of Honor of the Nazi Party (Gau-Ehrenzeichen der NSDAP)

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Civil Servants

Any person who has been appointed to any of the following positions since 30 January 1933, and any person who was an incumbent on that date and who survived the successive Nazi purges which followed:

66. Reich Ministers, State Secretaries, Ministerial Directors and their Deputies, Ministerial Dirigenten, Generalreferenten and all other officials of a rank higher than Referent or its equivalent in Reich Ministries

"Reich Ministries" are defined as the following:

a. The High Command of the Armed Forces (OKW) including the High Commands of the Army (OKH), Navy (OKM) and Air Force (OKL)

b. The Foreign Office

c. The Ministries of:

Armaments and War Production
Labor
Economics
Food and Agriculture
Transport
Finance
Air

Propaganda
Interior
Justice
Science and Education
Posts
Ecclesiastical Affairs

d. The Ministry of Occupied Eastern Territories

67. Heads and their Deputies, Delegates, Commissioners and all other officials of rank higher than Referent or its equivalent of the following Reich Authorities:

Reich Plenipotentiary for Total War Effort (Reichsbevollmaechtigter fuer den totalen Kriegseinsatz)

Reich Commissioner for Strengthening German Folkdom (Reichskommissar fuer die Festigung deutschen Volkstums)

Commissioner General for Medical and Health Services (Generalkommissar fuer das Sanitaets- und Gesundheitswesen)

Reich Housing Commissioner (Reichswohnungskommissar)

Commissioner General for Internal Defense (Generalkommissar fuer die Innere Verteidigung)

Reich Commissioner for Ocean Shipping (Reichskommissar fuer die Seeschiffahrt)

Inspector General for Water and Power (Generalinspekteur fuer Wasser und Energie)

Inspector General for Motor Transportation (Generalinspekteur fuer das Kraftfahrwesen)

Reichs Commissioner for Treatment of Enemy Property (Reichskommissar fuer die Behandlung feindlichen Vermoegens)

Reich Youth Leader (Reichsjugendfuehrer)

Head of the Reich Office for Spatial Planning (Reichsstelle fuer Raumordnung)

Delegate for the Four Year Plan (Beauftragter fuer den Vierjahresplan) and Division Chiefs in the Four Year Plan Office

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Inspector General for German Roads (Generalinspektor fuer das deutsche Strassenwesen)

Reich Forestry Office (Reichsforstamt)

Supreme Administrative Tribunal (Reichsverwaltungsgericht)

68. Heads and their deputies and all other officials of a rank higher than Referent or its equivalent of Reich Institutions:

Reich Committee for Public Health Services (Reichsausschuss fuer Volksgesundheitsdienst)

Reich Office for Social Insurance (Reichsversicherungsamt)

Reich Hereditary Farm Court (Reichserbhofgericht)

Reich Labor Court (Reichsarbeitsgericht)

Supreme Court of Honor and Discipline of the German Labor Front (Oberster Ehren- und Disziplinarhof der DAF)

Reich Archives (Reichsarchiv)

Supreme Auditing Court of the Reich (Rechnungshof des Deutschen Reiches)

National Court of Finance (Reichsfinanzhof).

69. All officials of the Reich Ministry of Public Enlightenment and Propaganda and heads of its regional offices and subsidiary agencies, down to and including Kreis level. In addition, all officials of these agencies who have written propaganda of a primarily political nature.

70. High officials (Minister, Chief Adjutant, State Secretary, Heads and Deputy Heads of Departments and Agencies, and all other officials of a rank higher than Referent or its equivalent) of the Reich Ministry for Armaments and War Production, including Chairmen of the Hauptausschusse and Ringe.

71. All Reich officials who have held any of the following titles:

Reich Commissioners (Reichskommissare)

General Commissioners (Generalkommissare)

Plenipotentiaries (Generalbevollmaechtigte)

Reich Deputies (Reichsbevollmaechtigte)

Deputies (Bevollmaechtigte)

Inspector General (Generalinspektoren)

Reich Delegates (Reichsbeauftragte)

Delegates (Beauftragte)

Special Delegates (Sonderbeauftragte)

Reich Trustees (Reichstreuhander)

Trustees (Treuhander)

Special Trustees (Sondertreuhander).

72. Members of the German Reichstag or Preussische Staatsrat after 1 January 1934.

73. Reich Trustees of Labor and Special Trustees of Labor (Reichstreuhander der Arbeit und Sondertreuhander der Arbeit).

74. The following officials of the Reich Food Estate (Reichsnahrstand):

(a) all Landesbauernfuehrer and their deputies

(b) all heads of Central and Regional Marketing Associations (Hauptvereinigungen und Wirtschaftsverbände)

(c) all Kreisbauernfuehrer

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(d) all heads of Landes- and Regierungsforstaemter.

75. Gau Housing Commissioners (Bauwohnungskommissare) and their Deputies.

76. Commissioned or non-commissioned officers of the Stosstruppen or Werkscharen.

77. University Rectors and Curators, heads of Teachers' Training Colleges, and heads of institutions of University rank.

78. Ministers, State Secretaries, and Ministerial Directors of German States (Laender).

79. Provincial Presidents (Oberpraesidenten), Reich Governor (Reichsstatthalter), and their Department Heads.

80. Regierungspraesidenten or Landeskommisare (Land Baden).

81. Landraete.

82. All urban and rural mayors (Oberbuergermeister und Buergermeister).

83. Police Presidents and Directors (Polizeipraesidenten und Polizeidirektoren); Commissioned Officers of the Technical Emergency Corps (Technische Nothilfe); Police Officers above the rank of Lieutenant or equivalent; all members of the Secret State Police (Gestapo) and of the Security Service of the SS (S.D. -- Sicherheitsdienst der SS) and members of the Administrative Police (Verwaltungspolizei) serving with them; Inspectors or Commanders of the Security Police and Order Police (Inspekteure oder Befehlshaber der Sicherheitspolizei oder der Ordnungspolizei -- OKPO).

84. Judges, Prosecutors, and officials of the People's Court (Volksgericht), special courts (Sondergerichte) and other extraordinary courts created by the Nazi regime.

85. All persons who have held any of the following legal positions since 30 January 1933:

- (a) President, Vice President, Judges of the Special Senate, all Prosecutors and members of the Supreme Senate of the Supreme Court (Reichsgericht);
- (b) President, Deputy President, Directors and Treasurer of the Academy for German Law (Akademie fuer deutsches Recht);
- (c) Commandant and all instructors in the Nazi Indoctrination Camp for Lawyers and Judicial Officials (Gemeinschaftslager Hanns Kerrl);
- (d) President of the Reich Office for final examination of Lawyers and Judges (Reichsjustizpruefungsamt);
- (e) All Presidents, Vice Presidents and Generalstaatsanwaelte of the Oberlandesgerichte;
- (f) All Presidents and Oberstaatsanwaelte of the Landgerichte;
- (g) All Presidents of the Disciplinary Courts for Legal Personnel (Dienststrafkammern);
- (h) President and all Judges of the Reich Supreme Honor Court for Lawyers and Patent Attorneys (Reichsehrengerichtshof);
- (i) President, Vice Presidents and all members of the Reich Chambers of Notaries, Patent Attorneys and Lawyers (Reichsnotarkammer, Reichspatent-anwaltkammer und Reichsrechtsanwaltkammer);
- (j) President and Vice President of the Reich Patent Office (Reichspatentamt).

86. The Plenipotentiary for the Employment and Distribution of Labor (Generalbevollmaechtigter fuer den Arbeitseinsatz); the Special Commissioner for Agricultural Labor (Generalbevollmaechtigter fuer den Arbeitseinsatz in der Landwirtschaft); the Reich Labor Inspectorate (Reichsinspektion des Generalbevollmaechtigten fuer den Arbeitseinsatz); the Reich Labor Allocation Engineer (Reichsarbeitseinsatzingenieur).

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87. Deutsche Reichsbank: President, Vice President, and all other members of the Reichsbank Directorate (Directorium), all members of the Advisory Board (Beirat) and all Reichsbank Directors (Direktoren).

88. Chief Regional Finance Officials (Oberfinanzpraesidenten).

89. Armament Inspectors (Ruestungsinspekteure); Armament Commissioners (Ruestungsobermaenner); Army District Deputies (Wehrkreisbeauftragte); District Labor Allocation Engineers (Bezirks-Arbeitseinsatzingenieure); Building Delegates (Baubevollmaechtigte); policy-making officials of the Gau Economic Chambers (Gauwirtschaftsberater der NSDAP).

Business Officials

100. All individuals who have accepted Nazi honors (Paragraphs 50 et seq above) or have held any of the following positions since 30 January 1933.

101. Head of the National Economic Chamber (Reichswirtschaftskammer) and his immediate subordinates, or President or Chairman of a Gau Economic Chamber (Gauwirtschaftskammer) or affiliated Economic Chamber (Wirtschaftskammer).

102. Chairman, President, Deputy or Business Manager of Reichsgruppe, Economic Groups (Wirtschaftsgruppe or Fachgruppe), Main Committee, Special Committee, Main Ring, Special Ring, Production Committee or Reichsvereinigung.

103. Chairman, President or Deputy of a National transportation group (Reichsverkehrsgruppe).

104. War Economy Leaders (Wehrwirtschaftsfuehrer).

105. Chairman, all members of the Board of Directors, and leading executives of a corporation in which the Reich has or had (at any time since 30 January 1933) an interest representing actual or working control; chairman, all members of the Board of Directors and leading executives of a corporation in which the NSDAP or any of its subsidiary organizations has or had (at any time since 30 January 1933) an interest representing actual or working control.

106. Reich Commissioners having jurisdiction of a raw material or industry (e.g. Reichsbeauftragte Kohle, Reichsbeauftragte Eisen, etc.), as well as policy-making officials of the Reichsstellen and Bewirtschaftungsstellen.

Military Service

115. Persons who have at any time been members of the German General Staff Corps.

116. Persons who have been National Socialist Indoctrination Officers (N.S.-Fuehrungsoffiziere).

Organizations in Occupied Territory

120. Persons who have been chiefs of military or civil administration in countries and territories occupied by Germany, or who have headed main functional or regional Divisions thereof.

121. Officials of the Ministry of Armaments and War Production (RUK - Reichsministerium fuer Ruestung und Kriegsproduktion).

122. Officials of the "Roges" Raw Materials Trading Company ("Roges" Rohstoff-Handelsgesellschaft).

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Unclassified

130. High ranking officials of the Organization Todt (Einsatzleiter and higher).

131. Any national of any of the United Nations who has committed offenses against his national law in support of the German war effort, or any such national who has assumed or been granted German citizenship after the date of entry of his former native country into a state of war with Germany.

132. Members of non-German native administrations (Quislings) and members of non-German Nazi or Fascist parties who may have assumed or been granted German citizenship after 1 April 1933.

133. Persons who have denounced or contributed to the seizure of opponents of the Nazi regime.

134. Persons who have instigated or perpetrated acts of violence against political or religious opponents of the Nazi regime.

135. Persons employed to disseminate Nazi or Fascist ideology.

136. Persons who have been officials, teachers or pupils at any time in National Political Educational Institutes (Nationalpolitische Erziehungsanstalten - NAPOLAS or NPEA), Adolf Hitler Schools (Adolf-Hitler-Schulen) or Ordensburgen.

Part 3: Discretionary Removal and Exclusion Categories

1. General

Below is a list of categories of persons who may prove hostile to Allied purposes. With respect to some of these categories it will be difficult to establish with certainty that a person falls within them; with respect to others definite determination of a person's inclusion does not constitute conclusive proof of hostility to Allied purposes, but serves as a danger sign or warning. The decision to remove or retain with respect to these categories of persons is therefore left to the sound discretion of the supervising Military Government Officer who can weigh all the relevant factors in each case. It is suggested, however, that the employment or retention of such persons be based only on the non-availability of other suitable personnel and continue only until other suitable personnel become available.

2. Categories

a. Militarists. The eradication of militarism in Germany will require in part the elimination of persons likely to perpetuate the militaristic tradition from positions of influence. In addition to "militarists" defined in Part 2 and therefore, subject to mandatory removal, the following should be considered in determining other "militarists": career officers of the German Army or, prior to the creation of the Wehrmacht, of the Reichswehr, or of the German Navy or Air Force, and any persons who represent the Prussian Junker tradition. The last mentioned category is difficult to define exactly. Information as to any individual, however, which shows him to have been a member of an aristocratic Prussian or East Prussian, Pomeranian, Silesian or Mecklenburg family, or of one which is the owner of extensive property in Prussia, or that he was a member of any of the elite German University Students Corps (such as the Bonner Borussen or all corps belonging to the Koesener S.C.); or a member of any of the East Prussian or Silesian Landschaften, should be removed or excluded because he is likely to be an individual who would perpetuate the German militaristic tradition.

b. Nominal members of the NSDAP who joined the Party after 1 May 1937, and persons who have been candidates for membership in the NSDAP.

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- c. Members (other than conscripts) of the Waffen SS.
- d. Persons who have been candidates for membership in any of the branches of the SS.
- e. Persons who joined the SA on or after 1 April 1933.
- f. NCO's of the Hitler Jugend (including the Bund Deutscher Maedel) and members who joined the HJ before 25 March 1939.
- g. Members of the NSKK, NSFk, NSDStB, NSDoB, and NSF.
- h. Officers of the RAD below the rank of Arbeitsfuehrer.
- i. Persons who have benefited by acceptance or transfer of property incidental to spoliation of occupied countries, "Aryanization," or confiscation of property on political, religious or racial grounds.
- j. Persons who have had exceptionally rapid promotions in civil service, education and the press since 30 January 1933.
- k. Persons other than those covered in paragraph 120 of Part 2 who have been employed in policy-making or executive position in the military or civil administration of German-occupied territories.
- l. Persons who have made substantial contributions to the Party (sums large in themselves or large in proportion to the means of the individual in question). In this connection it should be noted that contributions to German political parties, including the NSDAP, were frequently made by companies, cartels, etc., and prominent sympathizers with the Party may have used this method rather than that of personal subscription to support the Party.
- m. Persons who have held membership in other political parties or organizations in Germany which ultimately provided support for the National Socialist Party at the time of its coming into power (e.g. Hugenberg's "Harzburger Front" group of the Deutschnationale Volkspartei, the Stahlhelm and the Kyffhaeuserbund).
- n. Persons holding high positions in the German Red Cross, particularly if they were appointed since 1933. Leading posts in this organization have been given only to men and women considered reliable by the Nazis.
- o. Persons belonging to the "German Christian Movement" (Deutsche Christen-Bewegung). This organization consists mainly of Nazis who claim to be Protestant Christians and who have managed with the help of the NSDAP to gain a majority control of the administrative machinery of the German Evangelical Church. Membership in this organization indicates Nazi sympathy.
- p. Persons belonging to the "Neo-Pagan Movement" (Deutsche Glaubensbewegung). This organization is composed of Nazi sympathizers frank enough to admit that Nazism and Christianity are irreconcilable. Membership in this organization raises a strong presumption of Nazi sympathy.
- q. Recipients of the Spanish Cross, the Austrian Commemoration Medal, the Sudeten Commemoration Medal, the Memel Commemoration Medal, the Danzig Cross, the SA-Military Badge, or Reich Labor Service Badges of Merit.
- r. Persons who have been the recipients of financial favoritism at the hands of the Nazis.
- s. Persons who have escaped military service, or active combat duty, through Nazi favoritism.
- t. Persons who have held the office of Vertrauenslehrer (formerly Jugendwalter) in schools.

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u. Parents who have permitted any of their children to attend National Political Educational Institutes (Nationalpolitische Erziehungsanstalten - NAPOLAs or NPEA), Adolf Hitler Schools (Adolf-Hitler-Schulen), or Ordensburgen.

v. Officials of important industrial, commercial, agricultural, and financial institutions having the titles of General-Direktor, Direktor, Praesident, Vize-Praesident, Geschaeftsuehrer, Betriebsuehrer, Betriebsleiter, Betriebsobmann, Buerochef or their equivalents; policy making technical personnel such as Chef-ingenieur, Oberingenieur, Betriebsingenieur, etc.; all members of the Vorstand and Aufsichtsrat; all persons with the power to hire and fire employees.

Part 4: Procedure for Removal and Exclusion of Nazis and German Militarists

1. Purpose

This Part prescribes the procedures to be followed and the respective responsibilities of the various officers involved in the removal and exclusion of Nazis and Militarists from public and private positions. The policy is stated in Part 1.

2. Responsibility of Military Government Officers

Military Government Officers are responsible for carrying out such policy. This will require screening incumbents of and applicants for appointment to public office and positions of importance in quasi-public and private enterprises. In certain cases the officials to be removed may already have been interned by CIC as dangerous to military security or the success of Military Government, but Military Government Officers have the broad responsibility of removal and exclusion from office of undesirable elements, in addition to action which CIC may have taken. Moreover, experience in the field indicates that there is a tendency among Military Government Officers to consider CIC clearance as equivalent to a complete vetting investigation and to overlook the fact that CIC interests and information are primarily concerned with security considerations which are much narrower than the factors involved in Denazification and demilitarization. CIC clearance, which should be obtained, of course, is only one factor in the vetting process and does not relieve Military Government Officers of their primary responsibility for making the investigation and the final decision on removal, retention or appointment.

3. Special Branches

Public Safety Officers will assist other Military Government Officers in this task by providing the Special Branch machinery for "vetting," but each Military Government Officer is responsible for removal and exclusion of undesirable elements in his field.

4. Obtaining Lists of Officials

Military Government Officers will first satisfy themselves of the political reliability of the leading official or officials of governmental or civil agencies or enterprises under their supervision. When such officials are found satisfactory or acceptable substitutes have been appointed, Military Government Officers will instruct these officials to submit immediately to them a list (in triplicate) of all officials, civil servants or employees of their agencies or enterprises whom the records show or who are known to have been:

a. Officials or officers of the NSDAP at any time and members who joined the NSDAP prior to 1 May 1937;

b. Officers or NCOs at any time of the Waffen SS or members of the Allgemeine SS;

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c. Officers or NCOs at any time of the SA or members who joined the SA prior to 1 April 1933;

d. Officers at any time of the Hitler Jugend (including the Bund Deutscher Maedel);

e. Officers or NCOs at any time of the NSKK, NSFK, NSDStB, NSBoB or NSF;

f. Officers at any time of the RAD down to and including the rank of Arbeitsfuehrer;

g. Officials or officers at any time of any of the affiliated associations (Angeschlossene Verbaende) or supervised organizations (Betreute Organisationen) of the NSDAP.

5. Use of Lists

Such lists will by no means complete the Denazification process but will provide a simple first step towards removal of obviously disqualified personnel. Military Government Officers will promptly remove all persons whose names appear on such lists. Two copies of such lists will be forwarded, to the appropriate Public Safety Officer, who will retain one for his information and records, and will forward the other to the nearest CIC Unit, to assist in its mission of arrest and detention. Fragebogen (see below) should be obtained in addition from each such individual before he is notified of his dismissal.

6. Fragebogen

In addition to the above lists, Military Government Officers will require the officials of governmental or civil agencies or enterprises for the vetting of which they are responsible, to distribute Fragebogen (Form MG/PS/G/9a) to individuals occupying "public office" and "positions of importance in quasi-public and private enterprise" as defined in Part 1 above. Instructions will be given that such Fragebogen are to be filled out, signed and returned within 3 days.

7. Review by Supervising Officer

When officials of the agency or enterprise under supervision deliver the Fragebogen to supervising Military Government Officers and before the Fragebogen is turned over to Public Safety Officers for evaluation and investigation, Military Government Officers will:

a. Review the Fragebogen for the purpose of removing immediately those officials, civil servants or employees who obviously come within the mandatory removal categories.

b. Arrange the Fragebogen in the order of the importance of positions held and the urgency of the need for information concerning the individual incumbent or applicant for appointment.

c. Endorse on individual Fragebogen a notation that the incumbent has already been removed, if such is the fact, together with the date of removal. Such Fragebogen will be bundled separately in order that Public Safety Officers will not be delayed by their unnecessary evaluation and investigation.

8. Fragebogen Action Sheet

After Public Safety Officers have completed their investigation, they will forward to the Military Government Officer concerned a Fragebogen Action Sheet (form MG/PS/G/10) for each official for whom a Fragebogen has been submitted. The Fragebogen Action Sheet will contain a summary of facts concerning the Nazi

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background of the particular official, together with a finding of the Public Safety Officers concerning whether:

- a. Removal or non-appointment appears mandatory in accordance with existing policies or directives.
- b. Removal or non-appointment appears within the discretion of supervising Military Government Officers (border line case). A recommendation by the Public Safety Officers will ordinarily be made as a guide in discretionary cases.
- c. No objection is raised to retention or appointment on the basis of positive evidence of anti-Nazi activity.
- d. Appointment or retention is recommended on the basis of positive evidence of anti-Nazi activity.

9. Record of Action

After the Military Government Officer has taken action in accordance with the information contained on the Fragebogen Action Sheet, he will endorse the action taken in the space provided thereon and return the Fragebogen Action Sheet to the Public Safety Officer in order that the records in each case may be complete.

10. Removal Procedure

An official removed under the above procedure will not have the hearing or any of the other procedures precedent to removal of Beamten to which he may have been entitled under German law, but rather the Military Government Officer will direct his superior officer to dismiss him summarily. The superior officer will be handed an order directing the removal of the official forthwith, with the simple statement that his continuance in office is deemed inimical to the interest of Military Government. Where no service superior is available, the removal will be made by the Military Government Officer direct, the official being given an order dismissing him from office on the grounds mentioned above.

11. Technical Manual

Attention is directed to Appendix I of the Military Government in Germany, Technical Manual, Public Safety, which sets forth the detailed procedures to be followed by Public Safety Officers in fulfilling their vetting responsibilities.

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ANNEX D

HEADQUARTERS
U.S. FORCES, EUROPEAN THEATER

AG 014.1 GEC-AGO

15 August 1945

SUBJECT: Removal of Nazis and Militarists

TO : Commanding Generals:
Third U.S. Army/Eastern Military District
Seventh U.S. Army/Western Military District

1. Reference is made to:

a) Directive, this headquarters, file AG 014.1-1 (Germany) GE, subject: "Administration of Military Government in the U. S. Zone in Germany," dated 7 July 1945.

b) Letter, this headquarters, file AG 014.1 GEC-AGO, subject: "Administration of Military Government", dated 23 July 1945.

2. The reference directive and letter provide for dealing with Nazis in public office and in "positions of importance in quasi-public and private enterprises." The purpose of this letter is to extend the application of the reference directive and letter to Nazis and militarists engaged in business, professions and other occupations and to like persons who neither hold public office nor are otherwise employed or engaged.

3. Nazis should not be allowed to retain wealth, power, or influence merely because they do not hold public office or a position in a large financial or industrial enterprise. The guilt and dangerous influence of such persons may be equal to that of Nazi public officials.

4. Accordingly, persons whose standing or position in the community is one of prominence or influence will be removed from their businesses, professions or occupations if upon investigation you are satisfied that they were more than nominal participants in Party activities or were active supporters of Nazism or militarism.

5. Similarly, although not holding public office or otherwise employed or engaged, persons whose standing or position in the community is one of prominence or influence will be designated as persons hostile to Allied purposes if upon investigation you are satisfied that there were more than nominal participants in Party activities or were active supporters of Nazism or Militarism. Where so designated, a person shall be subject to all the sanctions herein provided for.

6. You will replace those removed by persons who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany.

7. Removal of any person pursuant to paragraph 4 hereof shall be discretionary in every case, except where (a) the position held is a public office or a position of "importance in quasi-public or private enterprise" as defined in Section II, Part 1, paragraphs 3c and 3d of the reference directive, and (b) such person falls within the mandatory removal categories of Section II, Part 2, of the reference directive. When both such conditions exist, the removal must be effected. The designation as hostile to Allied purposes of a person not holding public office or otherwise employed or engaged shall be discretionary in all cases.

8. The term "removal" as used in the reference directive (Section II, Part 1, paragraph 3), means "to discharge the person immediately and summarily from the position in question and to terminate his influence and participation therein, directly or indirectly." A person to be removed from a business, profession or occupation should be discharged from any position he holds therein and denied participation directly or indirectly in its affairs, policy, operations, or winding up. In the case of a profession the individual should be disqualified from practicing

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the profession. A person engaged in his own business or occupation, including farming, should be prevented from continuing therein.

9. All persons so removed, together with all persons so designated as persons hostile to Allied purposes, shall be considered to fall within Section II, paragraph 45, Appendix *B* 3, General Order No 1 (Blocking and Control of Property) of Handbook for Military Government in Germany, Supreme Headquarters, Allied Expeditionary Force. As such, all their property in the U. S. Zone is subject to seizure of possession, direction, management, supervision or otherwise being taken under control by Military Government. Such property may not be dealt with except as licensed or otherwise authorized or directed by Military Government or Military Government Law No. 52. The funds of persons removed or designated as hostile to Allied purposes hereunder are blocked subject to limited withdrawal or transfers under General Licenses.

10. No person so removed or designated as hostile to Allied purposes hereunder shall be entitled to receive directly or indirectly: -

a) Any pension or other civil service rights except as directed by military government (see Section II, Part I, paragraph 30, of reference directive).

b) Any public funds (see paragraph 4a, Instructions to German Officials on Revenue and Expenditures, No. 1; also General Order No. 1 referred to in paragraph 9 above).

11. The property of persons removed or designated as hostile to Allied purposes will not initially be taken into control (custody) by military government property control, but a report with recommendations will be made to your headquarters on whether such property should be taken into control (see property control check list for property control officers and Chapter 8, Introduction, Military Government Finance and Property Control Technical Manual). If it is taken into control under orders from your headquarters, it will be operated by a custodian to be appointed by military government. The Buergermeister or other appropriate local authority should be required to suggest the individuals by whom the property shall be operated. Responsibility for removal and clearance of persons selected will be determined in accordance with Part 4 of Section II of reference directive and reference letter.

12. Removals shall be effected in this manner. When the determination for removal has been made by military government, an order directing the removal will be delivered to the Buergermeister, with the statement that continuance in position will be inimical to the interest of military government. The removal shall then be effected by the Buergermeister or his representative. Designations of persons hostile to Allied purposes will be effected in the same manner.

13. Persons removed from public office or from business, professions or occupations or designated as hostile to Allied purposes may not be employed in any public office or private position that would bring them wealth or permit them to exercise power or influence, nor may they engage in any occupation having that effect. Such persons will be limited to employment of an unimportant nature.

14. Nothing herein contained shall prevent the issuance of temporary or revocable licenses to doctors or others to engage in professional or other activities to the extent that their personal services are necessary for the health, safety or well-being of the community, and in any such case the compensation allowable for such services shall be fixed. The existence of the necessity and the amount of the compensation shall be determined by the Buergermeister, subject to review by the local Military Government detachment. Any such temporary or revocable license shall not relieve the holder thereof from any of the other restrictions or provisions hereof.

15. A report of all persons removed from public office or from any business, profession or occupation and of all persons designated as hostile to Allied purposes will be submitted to this headquarters, with a statement of the circumstances believed to justify the action taken.

BY COMMAND OF GENERAL EISENHOWER.

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ANNEX E

REPORT ON THE TRIPARTITE CONFERENCE OF BERLIN

(Potsdam Agreement) 2 August 1946

(Excerpt)

III.

GERMANY

The Allied armies are in occupation of the whole of Germany, and the German people have begun to atone for the terrible crimes committed under the leadership of those whom, in their hour of their success, they openly approved and blindly obeyed.

Agreement has been reached at this Conference on the political and economic principles of a coordinated Allied policy toward defeated Germany during the period of Allied control.

The purpose of this agreement is to carry out the Crimea declaration on Germany. German militarism and Nazism will be extirpated and the Allies will take in agreement together, now and in the future, the other measures necessary to assure that Germany never again will threaten her neighbors or the peace of the world.

It is not the intention of the Allies to destroy or enslave the German people. It is the intention of the Allies that the German people be given the opportunity to prepare for the eventual reconstruction of their life on a democratic and peaceful basis. If their own efforts are steadily directed to this end, it will be possible for them in due course to take their place among the free and peaceful peoples of the world.

The text of the agreement is as follows:

THE POLITICAL AND ECONOMIC PRINCIPLES TO GOVERN THE TREATMENT OF GERMANY IN THE INITIAL CONTROL PERIOD

A. POLITICAL PRINCIPLES

I. In accordance with the Agreement on Control Machinery in Germany, supreme authority in Germany is exercised, on instructions from their respective Governments, by the Commanders-in-Chief of the armed forces of the United States of America, the United Kingdom, the Union of Soviet Socialist Republics, and the French Republic, each in his own zone of occupation, and also jointly, in matters affecting Germany as a whole, in their capacity as members of the Control Council.

2. So far as is practicable, there shall be uniformity of treatment of the German population throughout Germany.

3. The purposes of the occupation of Germany by which the Control Council shall be guided are:

I. The complete disarmament and demilitarization of Germany and the elimination or control of all German industry that could be used for military production. To these ends:

a) All German land, naval and air forces, the S.S., S.A., S.D. and Gestapo, with all their organizations, staffs and institutions,

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including the General Staff, the Officers' Corps, Reserve Corps, military schools, war veterans' organizations and all other military and quasi-military organizations, together with all clubs and associations which serve to keep alive the military tradition in Germany, shall be completely and finally abolished in such manner as permanently to prevent the revival or reorganization of German militarism and Nazism.

b) All arms, ammunition and implements of war and all specialized facilities for their production shall be held at the disposal of the Allies or destroyed. The maintenance and production of all aircraft and all arms, ammunition and implements of war shall be prevented.

II. To convince the German people that they have suffered a total military defeat and that they cannot escape responsibility for what they have brought upon themselves, since their own ruthless warfare and the fanatical Nazi resistance have destroyed German economy and made chaos and suffering inevitable.

III. To destroy the National Socialist Party and its affiliated and supervised organizations, to dissolve all Nazi institutions, to ensure that they are not revived in any form, and to prevent all Nazi and militarist activity or propaganda.

IV. To prepare for the eventual reconstruction of German political life on a democratic basis and for eventual peaceful cooperation in international life by Germany.

4. All Nazi laws which provided the basis of the Hitler regime or established discrimination on grounds of race, creed, or political opinion shall be abolished. No such discriminations, whether legal, administrative or otherwise, shall be tolerated.

5. War Criminals and those who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes shall be arrested and brought to judgment. Nazi leaders, influential Nazi supporters and high officials of Nazi organizations and institutions and any other persons dangerous to the occupation or its objectives shall be arrested and interned.

6. All members of the Nazi Party who have been more than nominal participants in its activities and other persons hostile to Allied purposes shall be removed from public and semi-public office, and from positions of responsibility in important private undertakings. Such persons shall be replaced by persons who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany.

7. German education shall be so controlled as completely to eliminate Nazi and militarist doctrines and to make possible the successful development of democratic ideas.

8. The judicial system will be reorganized in accordance with the principles of democracy, of justice under law, and of equal rights for all citizens without distinction of race, nationality or religion.

9. The administration of affairs in Germany should be directed towards the decentralization of the political structure and the development of local responsibility. To this end:

I. Local self-government shall be restored throughout Germany on democratic principles and in particular through elective councils as rapidly as is consistent with military security and the purposes of military occupation;

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II. All democratic political parties with rights of assembly and of public discussion shall be allowed and encouraged throughout Germany;

III. Representative and elective principles shall be introduced into regional, provincial and state (Land) administration as rapidly as may be justified by the successful application of these principles in local selfgovernment;

IV. For the time being no central German government shall be established. Notwithstanding this, however, certain essential central German administrative departments, headed by State Secretaries, shall be established, particularly in the fields of finance, transport, communications, foreign trade and industry. Such departments will act under the direction of the Control Council.

10. Subject to the necessity for maintaining military security, freedom of speech, press and religion shall be permitted, and religious institutions shall be respected. Subject likewise to the maintenance of military security, the formation of free trade unions shall be permitted.

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ANNEX F

MILITARY GOVERNMENT - GERMANY SUPREME COMMANDER'S AREA OF CONTROL

Law No. 1

ABROGATION OF NAZI LAW

In order to eliminate from German law and administration within the occupied territory the policies and doctrines of the National Socialist Party, and to restore to the German people the rule of justice and equality before the law, it is hereby ordered:

ARTICLE I

1. The following fundamental Nazi laws enacted since 30 January 1933, together with all supplementary or subsidiary carrying out laws, decrees or regulations whatsoever are hereby deprived of effect within the occupied territory:

- (a) Law for Protection of National Symbols of 19 May 1933, RGBl 1/285.
- (b) Law against the creation of Political Parties of 14 July 1933, RGBl 1/479.
- (c) Law for securing the unity of Party and State of 1 December 1933, RGBl 1/1016.
- (d) Law concerning insidious attacks against the State and the Party and for the Protection of Party Uniform of 20 December 1934, RGBl 1/1269.
- (e) Reich Flag Law of 15 September 1935, RGBl 1/1145.
- (f) Hitler Youth Law of 1 December 1936, RGBl 1/993.
- (g) Law for Protection of German Blood and Honour of 15 September 1935, RGBl 1/1146.
- (h) Decree of the Fuehrer concerning the Legal Status of the NSDAP of 12 December 1942, RGBl 1/733.
- (j) Reich Citizenship Law of 15 September 1935, RGBl 1/1146.

2. Additional Nazi laws are and will be deprived of effect by Military Government for the purpose stated in the preamble.

ARTICLE II

General Suspending Clause

3. No German law, however or whenever enacted or enunciated, shall be applied judicially or administratively within the occupied territory in any instance where such application would cause injustice or inequality, either (a) by favouring any person because of his connection with the National Socialist Party, its formation or affiliated or supervised organizations, or (b) by discriminating against any person by reason of his race, nationality, religious beliefs or opposition to the National Socialist Party or its doctrines.

ARTICLE III

General Interpretation Clauses

4. The interpretation and application of German law in accordance with National

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Socialist doctrines, however or whenever enunciated, are prohibited.

5. Decisions of German courts and official agencies and officials and legal writings supporting, expounding or applying National Socialist objectives or doctrines shall not be referred to or followed as authority for the interpretation or application of German law.

6. German law which became effective after 30 January 1933 and is permitted to remain in force shall be interpreted and applied in accordance with the plain meaning of the text and without regard to objectives or meanings ascribed in preambles or other pronouncements.

ARTICLE IV

Limitations on Punishment

7. No charge shall be preferred, no sentence imposed or punishment inflicted for an act, unless such act is expressly made punishable by law in force at the time of its commission. Punishment for offences determined by analogy or in accordance with the alleged "sound instincts of the people" (gesundes Volksempfinden) is prohibited.

8. No cruel or excessive punishment shall be inflicted and the death penalty is abolished except for acts punishable by death under law in force prior to 30 January 1933, or promulgated by or with the consent of Military Government.

9. The detention of any person not charged with a specific offence and the punishment of any person without lawful trial and conviction are prohibited.

10. All punishments imposed prior to the effective date of this law of a character prohibited by this law and not yet carried out, shall be modified to conform to this law or annulled.

ARTICLE V

Penalties

11. Violation of the provisions of this law shall, upon conviction by a Military Government Court, be punishable by any lawful punishment including, in the case of Article IV, the death penalty.

ARTICLE VI

Effective Date

12. This Law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

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ANNEX G

MILITARY GOVERNMENT - GERMANY SUPREME COMMANDER'S AREA OF CONTROL

Law No. 5

Dissolution of Nazi Party

In order to end the regime of lawlessness, terror and inhumanity established by the Nazi Party within the occupied territory, it is hereby ordered:

1. To the full extent of their operation in the occupied territory, the National Socialist German Workers' Party, and the offices, organizations and institutions listed below are dissolved and declared illegal. All Party activities and the activities of the following offices, organizations and institutions, except as mentioned in Paragraph 5, are prohibited:

1. Partei-Kanzlei,
2. Kanzlei des Fuehrers der NSDAP,
3. Auslands-Organisation der NSDAP,
4. Volksbund fuer das Deutschtum im Ausland,
5. Volksdeutsche Mittelstelle,
6. Parteiamtliche Pruefungskommission zum Schutze des NS-Schrifftums,
7. Der Reichsorganisationsleiter der NSDAP,
8. Reichsschatzmeister der NSDAP,
9. Der Beauftragte des Fuehrers fuer die Ueberwachung der gesamten geistigen und weltanschaulichen Schulung und Erziehung der NSDAP,
10. Der Reichspropagandaleiter der NSDAP,
11. Reichsleiter fuer die Presse und Zentralverlag der NSDAP (Eher Verlag).
12. Reichspressechef der NSDAP,
13. Reichsamt fuer das Landvolk,
14. Hauptamt fuer Volksgesundheit,
15. Hauptamt fuer Erzieher,
16. Hauptamt fuer Kommunalpolitik,
17. Hauptamt fuer Beamte
18. Hauptamt fuer Technik,
19. Hauptamt fuer Kriegsopfer,
20. Beauftragter der NSDAP fuer alle Volkstumsfragen,
21. Rassenpolitisches Amt der NSDAP,
22. Amt fuer Sippenforschung
23. Kolonialpolitisches Amt der NSDAP,
24. Aussenpolitisches Amt der NSDAP,
25. Reichstagsfraktion der NSDAP,
26. NS-Frauenschaft,
27. Deutsches Frauenwerk,
28. Reichsfrauenfuehrung,
29. NSD-Aerztebund,
30. NS-Bund Deutscher Technik
31. NS-Lehrerbund,
32. Reichsbund der Deutschen Beamten
33. Reichskolonialbund,
34. NS-Schwesternschaft,
35. Die Reichsstudentenfuehrung,
36. NSD-Studentenbund,
37. Deutsche Studentenschaft,
38. NS-Altherrenbund der Deutschen Studenten,
39. NSD-Dozentenbund,
40. NS-Rechtswahrerbund,
41. Reichsbund Deutsche Familie,
42. Deutsche Arbeitsfront,
43. NS-Reichsbund fuer Leibesuebungen,
44. Reichskriegerbund.

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45. NS-Kriegsopferversorgung (NSKOV),
46. Winterhilfswerk des Deutschen Volkes,
47. Reichskulturkammer,
48. Deutscher Gemeindetag,
49. Geheime Staatspolizei,
50. Deutsche Jaegerschaft,
51. Sachverstaendigenbeirat fuer Bevoelkerungs- und Rassenpolitik,
52. Reichsausschuss zum Schutze des Deutschen Blutes.

2. The para-military organizations listed below, all offices, recruiting and training establishments and all depots connected therewith will in due course be dissolved. Orders regarding the personnel and equipment thereof will be issued by the Allied Military Authorities. Until receipt of such orders, all embodied officers and personnel will remain at their posts in the organizations. No further recruiting is permitted.

1. SA (Sturmabteilungen), including the SA-Wehrmannschaften,
2. SS (Schutzstaffeln), including the Waffen-SS, the SD (Sicherheitsdienst) and all offices combining command over the police and the SS,
3. NSKK (NS-Kraftfahr-Korps),
4. NSFK (NS-Fliegerkorps),
5. HJ (Hitler Jugend) including its subsidiary organizations,
6. RAD (Reichsarbeitsdienst),
7. OT (Organisation Todt),
8. TN (Technische Nothilfe).

3. All offices of the NS-Volkswirtschaft in the occupied territory will be closed. Its welfare activities will, subject to further direction by Military Government, be carried on by the Buergermeister.

4. All activities by any organization dissolved or suspended by the Military Government or their officers or members and any acts tending to continue or renew such activities under any form are prohibited.

5. All funds, property, equipment, accounts and records of any organization mentioned in this Law shall be preserved intact and shall be delivered or transferred as required by Military Government. Pending delivery or transfer, all property, accounts and records shall be subject to inspection. Officers and others in charge thereof, and administrative officials will remain at their posts, until otherwise directed, and will be responsible to the Military Government for taking all steps to preserve intact and undamaged all such funds, property, equipment, accounts and records and for complying with the orders of Military Government regarding blocking and control of property.

6. Any person violating any provision of this law shall upon conviction by a Military Government Court be liable to any lawful punishment, including death, as the Court may determine.

7. This law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

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ANNEX H

MILITARY GOVERNMENT - GERMANY SUPREME COMMANDER'S AREA OF CONTROL

Law No. 52

Amended (1)*

BLOCKING AND CONTROL OF PROPERTY

ARTICLE I

Categories of Property

1. All property within the occupied territory owned or controlled, directly or indirectly, in whole or in part, by any of the following is hereby declared to be subject to seizure of possession or title, direction, management, supervision or otherwise being taken into control by Military Government:

- (a) The German Reich, or any of the Laender, Gau, or Provinces, or other similar political sub-divisions, or any agency or instrumentality thereof, including all utilities, undertakings, public corporations or monopolies under the control of any of the above;
- (b) Governments, nationals or residents of nations, other than Germany, which have been at war with any of the United Nations at any time since 1 September 1939, and governments, nationals or residents of territories which have been occupied since that date by such nations or by Germany;
- (c) The NSDAP, all offices, departments, agencies and organizations forming part of, attached to, or controlled by it; their officials and such of their leading members or supporters as may be specified by Military Government;
- (d) All persons while held under detention or any other type of custody by Military Government;
- (e) All organizations, clubs or other associations prohibited or dissolved by Military Government;
- (f) Owners absent from the Supreme Commander's Area of Control and Nationals and Governments of United Nations and Neutral Nations;
- (g) All other persons specified by Military Government by inclusion in lists or otherwise.

2. Property which has been the subject of duress, wrongful acts of confiscation, dispossession or spoliation from territories outside Germany, whether pursuant to legislation or by procedures purporting to follow forms of law or otherwise, is hereby declared to be equally subject to seizure of possession or title, direction, management, supervision or otherwise being taken into control by Military Government.

ARTICLE II

Prohibited Transactions

3. Except as hereinafter provided, or when licensed or otherwise authorized or directed by Military Government, no person shall import, acquire or receive, deal in,

*Amended 3 April 1945.

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sell, lease, transfer, export, hypothecate or otherwise dispose of, destroy or surrender possession, custody or control of any property;

- (a) Enumerated in Article I hereof;
- (b) Owned or controlled by any Kreis, municipality, or other similar political sub-division;
- (c) Owned or controlled by any institution dedicated to public worship, charity, education, the arts and sciences;
- (d) Which is a work of art or cultural material of value or importance, regardless of the ownership or control thereof.

ARTICLE III

Responsibilities for Property

4. All custodians, curators, officials, or other persons having possession, custody or control of property enumerated in Articles I or II hereof are required:

- (a) (i) To hold the same, subject to the directions of the Military Government, and pending such direction not to transfer, deliver or otherwise dispose of the same;
 - (ii) To preserve, maintain and safeguard, and not to cause or permit any action which will impair the value or utility of such property;
 - (iii) To maintain accurate records and accounts with respect thereto and the income thereof.
- (b) When and as directed by Military Government:
- (i) To file reports furnishing such data as may be required with respect to such property and all receipts and expenditures received or made in connection therewith;
 - (ii) To transfer and deliver custody, possession or control of such property and all books, records and accounts relating thereto, and
 - (iii) To account for the property and all income and products thereof.

5. No person shall do, cause or permit to be done any act of commission or omission which results in damage to or concealment of any of the properties covered by this law.

ARTICLE IV

Operation of Business Enterprises and Government Property

6. Unless otherwise directed and subject to such further limitation as may be imposed by Military Government:

- (a) Any business enterprise subject to control under this law may engage in all transactions ordinarily incidental to the normal conduct of its business activities within occupied Germany provided that such business enterprise shall not engage in any transaction which, directly or indirectly, substantially diminishes or imperils the assets of such enterprise or otherwise prejudicially affects its financial position and provided further that this does not authorize any transaction which is prohibited for any reason other than the issuance of this law;
- (b) Property described in Article I, 1 (a) shall be used for its normal purpose except as otherwise prohibited by Military Government.

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ARTICLE V

Void Transactions

7. Any prohibited transaction effected without a duly issued license or authorization from Military Government, and any transfer, contract or other arrangement made, whether before or after the effective date of this law, with intent to defeat or evade this law or the powers or objects of Military Government or the restitution of any property to its rightful owner, is null and void.

ARTICLE VI

Conflicting Laws

8. In case of any inconsistency between this law or any order made under it and any German law the former prevail. All German laws, decrees and regulations providing for the seizure, confiscation or forced purchase of property enumerated in Articles I or II hereof, are hereby suspended.

ARTICLE VII

Definitions

9. For the purposes of this Law:

- (a) "Person" shall mean any natural person, collective person and any juristic person under public or private law, and any government including all political sub-divisions, public corporations, agencies and instrumentalities thereof;
- (b) "Business Enterprise" shall mean any person as above defined engaged in commercial, business or in public welfare activities;
- (c) "Property" shall mean all movable and immovable property and all rights and interests in or claims to such property whether present or future, and shall include, but shall not be limited to, land and buildings, money, stocks/shares, patent rights or licenses thereunder, or other evidences of ownership, and bonds, bank balances, claims, obligations and other evidences of indebtedness, and works of art and other cultural materials;
- (d) A "National" of a state or government shall mean a subject, citizen or partnership and any corporation or other juristic person existing under the laws of, or having a principal office in the territory of, such state or government;
- (e) "Germany" shall mean the area constituting "Das Deutsche Reich" as it existed on 31 December 1937.

ARTICLE VIII

Penalties

10. Any person violating any of the provisions of this law shall, upon conviction by a Military Government Court, be liable to any lawful punishment, including death, as the Court may determine.

ARTICLE IX

Effective Date

11. This Law shall become effective upon the date of its first promulgation.

BY ORDER OF MILITARY GOVERNMENT.

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DENAZIFICATION

ANNEX I

MILITARY GOVERNMENT — GERMANY UNITED STATES ZONE

LAW NO. 8

Prohibition of Employment of Members of Nazi Party in Positions in Business Other than Ordinary Labor and for Other Purposes

In order further to eliminate the influence of Nazism in Germany, it is hereby ordered:

1. It shall be unlawful for any business enterprise to employ any member of the Nazi party or of its affiliate organizations in any supervisory or managerial capacity, or otherwise than in ordinary labor; except as expressly authorized by Military Government under the provisions of paragraph 5.
2. If any business enterprise not now in operation desires to open for operation its principal official shall, as a condition to its being permitted to open or operate, certify it has no one employed contrary to the provisions of paragraph 1 hereof.
3. Any business enterprise now open or operating with any person employed in violation of paragraph 1 of this Law shall immediately discharge such person, failing which it shall be immediately closed by Military Government.
4. Any person violating any of the provisions of this Law shall, upon conviction of Military Government Court, be liable to any lawful punishment as such Court may determine.
5. Any person discharged or refused employment under this Law, who claims that he was not actively engaged in any of the activities of the Nazi party or its affiliate organizations, may appeal to the local office of Military Government.
6. This Law becomes effective 26 September 1945.

BY ORDER OF MILITARY GOVERNMENT.

APRIL 1948

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MILITARY GOVERNMENT — GERMANY UNITED STATES ZONE

REGULATION NO. 1 UNDER LAW NO. 8

In order to provide a uniform interpretation and application of Law No. 8 and to place responsibility upon the German people for the elimination of Nazi influence in business enterprises, it is hereby ordered:

1. **Purpose and Scope of the Law.** Employment of any member of the Nazi Party or of its affiliate organizations in any position other than in ordinary labor is a criminal offense under this law. The law punishes employers, employees, and all other persons who act in violation of it. Under this law employers have an affirmative duty to investigate the truth of statements made by employees or applicants for employment regarding their membership in the Nazi Party or its affiliate organizations. It is also an offense under this law for any person employed or seeking employment to make false or misleading statements or to conceal the facts regarding his membership or activities in the Party or its affiliates. The law contains a procedure for appeals to remedy errors and injustices. However, Military Government will act swiftly to punish all persons who do not immediately comply with this law.

2. **Definitions.** For the purposes of this law:

a. The term "affiliate organizations" means the following: SS (Schutzstaffeln); SA (Sturmabteilungen); NSKK (NS-Kraftfahrkorps); NSDoB (NS-Deutscher Dozentenbund); NSDStB (NS-Deutscher Studentenbund); NSF (NS-Frauenschaft); HJ (Hitler Jugend); BdM (Bund deutscher Mädel).

b. The term "member of the Nazi Party or of its affiliate organizations" means any person who has ever been a member of any such organization but does not include a person who, according to German law, was compelled to become a member and serve in the Hitler Jugend or Bund deutscher Mädel, or was conscripted into the Waffen SS after 1 March 1944, provided he did not become an officer of the Hitler Jugend or Bund deutscher Mädel or an officer or non-commissioned officer of the Waffen SS.

c. The term "actively engaged in any of the activities of the Nazi Party or its affiliated organizations" (applicable to appeals under paragraph 5 of the Law) shall include any member of the Nazi Party or of its affiliate organizations who has

- (1) held office or otherwise been active at any level, from local to national in the Nazi Party and the organizations listed in paragraphs 1, 2 and 3 of Military Government Law No. 5, or in organizations which further militaristic doctrines;
- (2) authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations;
- (3) been an avowed believer in Nazism, or racial or militaristic creeds; or
- (4) voluntarily given substantial moral or material support, or political assistance of any kind to the Nazi Party or Nazi officials and leaders.

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d. The term "ordinary labor" means work or service, whether skilled, unskilled or clerical, in an inferior position in which the worker does not act in any supervisory, managerial or organizing capacity whatsoever, or participate in hiring or discharging others, or in setting employment or other policies.

e. The term "business enterprise" means any individual, partnership, association, corporation, or other organization engaged in commercial or other business or public welfare activities, but does not include farms, governmental agencies and public bodies.

3. Registration of Employees.

Each business enterprise shall submit by 20 October 1945 to the local Labor Office having jurisdiction over the district in which the principal place of the business enterprise is situated a list of all employees other than those employed in ordinary labor who are retained or removed together with a statement of the membership, if any, of each in the Nazi Party or its affiliate organizations. Similar reports shall be filed by each business enterprise on the 10th day of each following month with respect to persons employed during the preceding month. The local labor office shall also confirm or supplement such lists through recognized employee organizations.

4. Procedure on Appeals.

a. Any person who claims that he has been unjustly discharged or refused employment under Law No. 8 may appeal to the Oberbürgermeister of the Stadtkreis or the Landrat of the Landkreis in which the principal place of proposed employment is located. The appeal shall be supported by facts to indicate that the appellant was only a nominal Nazi and did not actively engage in the activities of the Nazi Party or its affiliate organizations. The appeal must be accompanied by a completed Fragebogen executed and signed by the appellant, together with a certification by the employer or prospective employer in the space provided thereon.

b. Appeals shall be heard in the first instance by a review board established by the Oberbürgermeister or Landrat with the approval and under the supervision of Military Government.

c. The findings of the review board are submitted to Military Government for final determination of the appeal. However in case the review board finds that the appellant is disqualified under Law No 8 its decision is final, unless the appellant advises the Oberbürgermeister or Landrat that he requests a decision by Military Government.

d. Pending the determination of an appeal, Military Government may issue temporary and revocable authorizations to doctors or other specialists to engage in professional or similar activities to the extent that their personal services are necessary for the health or safety of the community provided the Oberbürgermeister or Landrat certifies that said action is required in order to maintain public health or safety in the district. In any such case the amount of the compensation shall be determined by the Oberbürgermeister or Landrat, subject to review by Military Government.

BY ORDER OF MILITARY GOVERNMENT.

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DENAZIFICATION

LAW FOR LIBERATION FROM NATIONAL SOCIALISM AND MILITARISM

of 5 March 1946.

(Annotated with corrected translation)

1. For 12 years National Socialism and Militarism ruled Germany with terror and violence, committed most serious crimes against the German people and the world, plunged Germany into distress and misery and destroyed the German Reich. The liberation from National Socialism and Militarism is an indispensable prerequisite to political, economic and cultural reconstruction.

2. American Military Government has, during the past months following the surrender carried out the removal and exclusion of National Socialists and Militarists from public administration and other positions.

3. On January 12, 1946, the Control Council has, in Directive No. 24, issued regulations for all Germany for removal and exclusion which are binding upon the German Governments and the German people.

4. Law No. 8 of Military Government and Regulation No. 1 thereunder extended the liberation to the field of trade and industry and introduced the appeal procedure through German investigation Boards.

5. American Military Government has now decided that the German people may share the responsibility for liberation from National Socialism and Militarism in all fields. The discharge of the task thus entrusted to the German people will be accomplished by this Law, within the framework of Control Council Directive No. 24.

6. For a uniform and just execution of this task the following Law is hereby simultaneously enacted and promulgated for Bavaria, Hesse and Württemberg-Baden.

M. G. Anno:

The Class I and II categories listed in the Appendix attached to the Law have been taken from the compulsory removal and exclusion categories of Control Council Directive No. 24 (MGR 2-120 h and MGR 23-161.24).

In view of the fact that the preamble of the Law for Liberation requires that the task of denazification will be accomplished by the Law within the framework of Control Council Directive No. 24 which is recognized as binding upon the German people, the phrase "nominal participant" in Article 12 of the Law must be interpreted in accordance with the definition contained in paragraph 2 (a) of Control Council Directive No. 24, MGR 23-161.24. (OMGUS letter dated 10 March 1947, file AG 014.311 (IA), subject, "Disapproval of Proposed Instruction concerning Findings of Followers against Officers of Nazi Organisations".)

CHAPTER I

Principles

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DENAZIFICATION

ARTICLE 1

1. To liberate our people from National Socialism and Militarism and to secure a lasting base for German democratic national life in peace with the world, all those who have actively supported the National Socialist tyranny, or are guilty of having violated the principles of justice and humanity, or of having selfishly exploited the conditions thus created, shall be excluded from influence in public, economic and cultural life and shall be bound to make reparations.

2. Everyone who is responsible shall be called to account. At the same time he shall be afforded opportunity to vindicate himself.

ARTICLE 2

1. The individual shall be judged by a just consideration of his individual responsibility and his actual conduct, taken as a whole. In accordance therewith there shall be determined in just gradation the extent of sanctions and of exclusion from participation in the public, economic and cultural life of the people, in order to eliminate permanently the influence of National Socialistic and Militaristic conduct and ideas.

2. External criteria, such as membership of the NSDAP, any of its formations or other organizations, shall not be decisive by themselves alone for the degree of responsibility under this Law. They may be taken as important evidence as to a person's conduct as a whole, but may be overcome, wholly or partly, by evidence to the contrary. Conversely, non-membership by itself is not decisive to absolve one of responsibility.

M. G. Anno:

The Law for Liberation has four main objectives: (1) to provide just and effective procedures for judging every individual according to the degree of his responsibility for the wrongs committed by the Nazi regime; (2) to impose upon those found responsible definite sanctions designed to eliminate their influence in the community and to bar them from public office and positions of responsibility in important private undertakings; (3) to provide opportunities for rehabilitation through probation for lesser offenders; and, (4) to remove disqualifications from exonerated persons and from followers (nominal Nazis) who have paid their fines and against whom no employment sanctions have been invoked (MGR 2-110 c).

ARTICLE 3

Registration

1. In order to seek out all persons responsible and to carry out this Law, a registration procedure is hereby established.

2. Every German above the age of 18 will fill out and submit a registration form.

3. Detailed regulations will be issued by the Minister for Political Liberation.

M. G. Anno:

For details concerning the duty to register, procedures therefore, means of enforcing registration, and the obligation of the

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Bürgermeister to register on behalf of dead, missing or absent persons who are presumptively offenders under the Law, see Regulation No. 1 (MGR 24-500.11).

For instructions for filling out registration forms (Meldebogen), see MGR 24-500.54.

An English translation of the decree concerning registration for issuance of identity cards (Kennkarten) is attached at MGR 24-500.75.

Groups of Persons Responsible

ARTICLE 4

In order to make a just determination of responsibility and to provide for imposition of sanctions, the following groups of persons shall be formed:

- (1) Major Offenders,
- (2) Offenders (activists, militarists and profiteers),
- (3) Lesser Offenders (probationers),
- (4) Followers,
- (5) Persons exonerated.

Major Offenders

ARTICLE 5

Major Offenders are:

- (1) Persons who, out of political motives, committed crimes against victims or opponents of National Socialism;
- (2) Persons who, in Germany or in the occupied areas, treated foreign civilians or prisoners of war contrary to International Law;
- (3) Persons who are responsible for excesses, plundering, deportations, or other acts of violence, even if committed in fighting against resistance movements;
- (4) Persons who were active in leading positions in the NSDAP, one of its formations, or affiliated organizations, or in any other Nazi or Militaristic organization;
- (5) Persons who in the government of the Reich, of a Land, or in the public administration of formerly occupied areas, were active in leading positions which could have been held only by leading Nazis or supporters of the National Socialist tyranny.
- (6) Persons who otherwise gave major political, economic, propagandistic or other support to the National Socialist tyranny or who, by reason of their relations with the National Socialist tyranny, received very substantial profits for themselves or others.
- (7) Persons who were actively engaged for the National Socialist tyranny in the Gestapo, the SD, the SS, or the Geheime Feldpolizei or Grenzpolizei.
- (8) Persons who, in any form whatsoever, participated in killings, tortures, or other acts of cruelty in a concentration camp, a labor camp, an internment camp, or a medical institution or asylum.

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- (9) Persons who, for personal profit or advantage, actively collaborated with the Gestapo, SD, SS or similar organizations by denouncing or otherwise aiding in the persecution of the opponents of the National Socialistic tyranny.

ARTICLE 6

Until rebuttal anyone who is listed in Class I of the list attached to this Law is deemed to be a Major Offender.

Activists

ARTICLE 7

I. Activists are:

- (1) Persons who, by reason of their position or activity, substantially assisted the tyranny of the NSDAP.
- (2) Persons who exploited their position, their influence or their connections to impose force and utter threats, to act with violence and to carry out oppressions or other unjust measures.
- (3) Persons who manifested themselves as avowed believers in the National Socialistic tyranny and especially in racial creeds.

II. Activists are, in particular, the following persons insofar as they are not Major Offenders:

- (1) Anyone who substantially contributed to the establishment, consolidation or maintenance of the National Socialistic tyranny, by word or deed, especially in public through speeches or writings or through voluntary donations out of his own or another's property or through using his personal reputation or his position of influence in political, economic or cultural life;
- (2) Anyone who by teaching National Socialist doctrines or as educator poisoned the spirit and soul of the youth;
- (3) Anyone who, to strengthen the National Socialistic tyranny, undermined family and marital life by this contemptuous disregard of recognized moral principles;
- (4) Anyone who, in the service of National Socialism, illegally interfered in the administration of justice or abused politically his office as judge or prosecutor;
- (5) Anyone who, in the service of National Socialism, agitated with incitement or violence against churches, religious communities or ideological groups;
- (6) Anyone who, in the service of National Socialism, derided, damaged or destroyed artistic or scientific values;
- (7) Anyone who took a leading or active part in destroying trade unions, suppressing labor, and squandering trade union property;
- (8) Anyone who as a provocateur, agent or informer caused or attempted to cause the initiation of proceedings to the detriment of others because of their race, religion, or political opposition to National Socialism, or because of violations of National Socialistic regulations;
- (9) Anyone who exploited his position of influence under the National Socialistic tyranny to commit offenses, in particular, extortions, embezzlements or frauds;

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- (10) Anyone who, by word or deed, took an attitude of hatred towards opponents of the NSDAP at home or abroad, towards prisoners of war, the population of formerly occupied territories, foreign civilian workers, internees or similar persons;
 - (11) Anyone who favored the exemption from military service (UK-Stellung) or from combat service of individuals because of their National Socialist attitude, or who effected or attempted to effect their induction into military service or their transfer to the front because of their opposition to National Socialism.
- III. Activists will also include persons who after 8 May 1945 have endangered the peace of the German people or of the world by advocating National Socialism or Militarism.

Militarists

ARTICLE 8

I. Militarists are:

- (1) Persons who attempted to bring the life of the German people in line with a policy of militaristic force;
- (2) Persons who advocated or are responsible for the domination of foreign peoples, their exploitation or deportation; or
- (3) Persons who promoted armament for these purposes.

II. Militarists are in particular the following persons, insofar as they are not Major Offenders:

- (1) Persons who, by word or in writings, formulated or disseminated militaristic doctrines or programs or who were active outside the Wehrmacht in any organization which served to promote militaristic ideas;
- (2) Persons who before 1935 organized or participated in the organization of the systematic training of youth for war;
- (3) Persons who, exercising power of command, are responsible for the wanton devastation of cities and rural areas after the invasion of Germany;
- (4) Persons who, as members of the Armed Forces (Wehrmacht), the Reich Labor Service (Reichsarbeitsdienst), the Organisation Todt (OT), or the Transport Group Speer, without regard to their rank, abused their authority to obtain special personal advantages or to mistreat subordinates brutally.

Profiteers

ARTICLE 9

I. Profiteers are:

- Persons who, selfishly and by reason of their political position or their connections, extracted personal or economic advantages for themselves or for others from the tyranny of the NSDAP, the rearmament, or the war.

II. Profiteers are in particular the following persons, insofar as they are not Major Offenders:

- (1) Anyone who, solely on account of his membership in

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the NSDAP, obtained an office or a position or was preferentially promoted therein;

- (2) Anyone who received substantial donations from the NSDAP, its formations or affiliated organizations;
- (3) Anyone who, at the expense of those persecuted for political, religious or racial reasons, directly or indirectly gained or strove for excessive advantages for himself or others, especially in connection with expropriations, forced sales or similar dealings;
- (4) Anyone who in armament or war transactions made profits which were manifestly disproportionate to the services rendered;
- (5) Anyone who unjustly enriched himself in connection with the administration of formerly occupied territories;
- (6) Anyone who, an adherent to National Socialism, escaped from military service or combat duty by exploiting his personal or political connections or by joining the NSDAP.

ARTICLE 10

Until rebuttal anyone who is listed under Class II of the list attached to this Law is deemed to be an Offender (Activist, Militarist or Profiteer).

Lesser Offenders (Probationers)

ARTICLE 11

I. A Lesser Offender is:

- (1) Anyone who would otherwise belong to the group of Offenders who, however, because of special circumstances (Article 39-II) merits milder consideration and who, because of his character may be expected, after he has proved himself in a period of probation, to fulfill his duties as a citizen of a peaceful, democratic state
- (2) Anyone who would otherwise belong to the group of Followers but who, because of his conduct and character, should first have to prove himself.

II. The probationary period shall be at least two years and, as a rule, not more than three years. The group to which the person concerned will be finally assigned will depend upon his conduct during the period of probation (Article 42).

III. A Lesser Offender in particular is:

- (1) Anyone born after 1 January 1919 who is not a Major Offender but appears to be an Offender, without however having manifested despicable or brutal conduct and who because of his character may be expected to prove himself.
- (2) Anyone not a Major Offender who appears to be an Offender but who, at an early stage, turned away from National Socialism and its methods unqualifiedly and clearly.

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M. G. Anno:

The period of probation for a Lesser Offender must be fixed at a minimum of two years from the date of the decision by the Tribunal (MGR 9-832 b (5)).

Followers

ARTICLE 12

I. A Follower is:

Any person who was not more than a nominal participant or an insignificant supporter of National Socialism and who did not manifest himself as a Militarist.

II. Subject to this test, a Follower is in particular:

- (1) Anyone who as a member of the NSDAP or of any of its formations, except HJ and BDM, did no more than pay his membership dues, participate in meetings where attendance was obligatory, or fulfilled unimportant or purely routine duties which were prescribed for all members.
- (2) Anyone who was a candidate for membership in the Party and who was not finally admitted as a member.

M. G. Anno:

It is a most important general rule, imposed both by Control Council Directive No. 24 (MGR 23-161.24) and the Law for Liberation, that the following persons cannot legally be found to be Followers by a Tribunal:

- a. Persons who have held an office or rank in the NSDAP or one of its formations (MGR 9-832 b (7) and 9-834.7 d);
- b. Persons of such high standing in the community that they are obviously leaders who influenced others to join Nazi organizations by the example of their own membership (MGR 9-832 b (8));
- c. Persons who have engaged in any Nazi activity beyond payment of membership dues, participation in meetings where attendance was obligatory, or fulfillment of unimportant or purely routine duties prescribed for all members (MGR 9-834.7 d).

Because of the fact that a finding of Follower makes the respondent eligible for appointment or reinstatement in public or semi-public office and positions of responsibility in important private undertakings (unless discretionary sanctions authorized by Article 18 (2) are imposed), it is of greatest importance that the definitions of Follower or nominal Nazi contained in the Law and in paragraph 2 (a) of Control Council Directive No. 24 (MGR 23-161.24) be strictly construed. Otherwise, the most important denazification objective of the Law for Liberation and Control Council Directive No. 24 will be defeated (OMGUS letter dated 10 March 1947, file AG 014.311 (IA), subject, "Disapproval of Proposed Instruction concerning Findings of Follower against Officers of Nazi Organizations").

It is conceivable that evidence may be produced which may establish that an office holder in a Nazi organization was no more than a nominal Nazi or was perhaps even an anti-Nazi who had penetrated the Nazi organization for subversive purposes. This

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possibility is envisioned by Article 2 of the Law for Liberation which provides that the respondent shall be judged by a just consideration of his actual conduct taken as a whole, and that external criteria may be overcome, wholly or partly, by evidence to the contrary. This possibility is also recognized by paragraph 5 of Control Council Directive No. 24 which authorizes a review by Military Government at Zonal Headquarters of cases in which it is felt that a mistake has been made in the application of the compulsory removal categories of Directive No. 24 and there is positive evidence, supported by investigation, that an individual is not more than a nominal Nazi (*Ibid.*).

It seems clear, therefore, that both the Law for Liberation and Control Council Directive No. 24 recognize it as a most important general rule that holding office or other evidence of Nazi activity establishes such a strong presumption that a person was more than a nominal Nazi (and, therefore, ineligible for classification as a Follower) that only in the most exceptional cases is such a finding possible. The evidence to overcome this presumption must be clear and convincing and the respondent must assume the burden of proof in overcoming this presumption (Law for Liberation Article 34). In addition, paragraph 5 of Control Council Directive No. 24 places a responsibility upon Military Government at Zonal (Regional) Headquarters to review such cases; and, therefore, it will be necessary to continue the present practice of requiring local Security and Liaison Offices to forward Delinquency and Error Reports to Regional Offices of Military Government for individual consideration in instances where Spruchkammern find officers of Nazi organizations to be Followers (*Ibid.*).

Persons Exonerated

ARTICLE 13

Exonerated are:

Persons who in spite of their formal membership, candidacy or other external indications, not only showed a passive attitude but also actively resisted the National Socialistic tyranny to the extent of their powers and thereby suffered disadvantages.

M. G. Anno:

To entitle the respondent to exoneration, he must assume the burden of proving affirmatively that he not only assumed a passive attitude but actively resisted the Nazi tyranny and thereby suffered disadvantages. This requires affirmative proof not only of active resistance but of actual rather than fancied disadvantages and should be interpreted to mean that upon discovery of the respondent's active resistance, immediate persecution in some form resulted therefrom (MGR 9-834.7 e).

Sanctions

ARTICLE 14

In accordance with the extent of responsibility, the following sanctions shall be imposed in just selection and gradation, to accomplish the exclusion of National Socialism and Militarism from the life of our people, and reparation of the damage caused.

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Major Offenders

ARTICLE 15

The following sanctions must be imposed upon Major Offenders:

- (1) They shall be assigned to a labor camp for a period of not less than two and not more than ten years in order to perform reparations and reconstruction work. Political internment after 8 May 1945 can be taken into account. Disabled persons shall be required to perform special work according to their physical capacity.
- (2) Their property shall be confiscated as a contribution to reparations. There shall be left to them only an amount necessary to cover the bare existence after family conditions and earning capacity have been taken into consideration. They shall be subject to current special taxes for a reparation fund, insofar as they have an income.
- (3) They shall be permanently ineligible to hold a public office, including that of a notary or attorney.
- (4) They shall lose any legal claims to a pension or allowance payable from public funds.
- (5) They shall lose the right to vote and to be elected, to be politically active in any way, or to be members of a political party.
- (6) They shall not be allowed to be members of a trade union or a business or vocational association.
- (7) They shall be prohibited for a period of not less than 10 years:
 - (a) to be active in a profession or, independently, in an enterprise or economic undertaking of any kind, to own a share therein or to supervise or control it;
 - (b) to be employed in any dependent position other than ordinary labor;
 - (c) to be active as teacher, preacher, editor, author, or radio commentator.
- (8) They shall be subject to restrictions with regard to housing and residence, and may be conscripted for public works service.
- (9) They shall lose all licenses, concessions and other privileges granted to them, as well as the right to keep a motor vehicle.

Offenders

ARTICLE 16

Sanctions against Offenders:

- (1) They may be assigned to a labor camp for a period up to five years in order to perform reparations and reconstruction work. Political internment after 8 May 1945 can be taken into account.
- (2) If they are not assigned to a labor camp, they are to be conscripted for special work for the benefit of the community.
- (3) Their property will be confiscated in whole or in part as a contribution to reparations. In case of complete con-

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fiscation, Article 15, par. 2, second sentence will apply. In case of partial confiscation, capital goods shall be confiscated preferentially. The most necessary items for daily use are to be left to them.

- (4) They shall be permanently ineligible to hold a public office, including that of notary or attorney.
- (5) They shall lose their legal claims to a pension or allowance payable from public funds.
- (6) They shall lose the right to vote or to be elected, to be politically active in any way, or to be members of a political party.
- (7) They shall not be allowed to be members of a trade union or a business or vocational association.
- (8) They shall be prohibited for a period of not less than 5 years:
 - (a) to be active in a profession or, independently, in an enterprise or economic undertaking of any kind, to own a share therein or to supervise or control it;
 - (b) to be employed in any dependent position other than ordinary labor;
 - (c) to be active as a teacher, preacher, editor, author or radio commentator.
- (9) They shall be subject to restrictions with regard to housing and residence.
- (10) They shall lose all licenses, concessions and other privileges granted to them, as well as the right to keep a motor vehicle.

Lesser Offenders (Probationers)

ARTICLE 17

Sanctions against Lesser Offenders:

- I. During the period of probation they are not allowed:
 - (a) To direct an enterprise as owner, partner, manager or executive; to supervise or control an enterprise; or to acquire an enterprise in whole or in part, or any interest or share therein in whole or in part;
 - (b) to be employed in any dependent position other than ordinary labor;
 - (c) to be active as teacher, preacher, editor, author or radio commentator.
- II. In case the Lesser Offender is the owner of an enterprise or of any interest therein at the time of his classification, his interest in such enterprise will be blocked during the period of his probation and a trustee appointed therefor. The Tribunal will decide what part of the business income received by the trustee will be paid over to the Lesser Offender. The ultimate disposition of the property so blocked will be determined at the time of final classification of the Lesser Offender.
- III. The term "enterprise" as used in Paras I, (a) and II. of this Article shall not include small undertakings, especially manual trade enterprises, retail stores, farms and like undertakings, with less than ten employees.

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- IV. Property values, acquisition of which resulted from exploitation of political connections or special National Socialistic measures, such as "Aryanization" and armament, shall be confiscated.
- V. Single or recurrent special contributions to a reparation fund shall be ordered.
- VI. During the period of probation, certain additional sanctions, as specified in Article 16, may be imposed in just selection and modification, in particular:
 - (a) Restrictions in the exercise of a free profession, and prohibition to train apprentices;
 - (b) With regard to civil servants; reduction of retirement pay, transfer to retirement or to a position of inferior rank or to another office with reduced pay, rescission of promotion, transfer from civil service status to contractual employment;
 - (c) With regard to trade and industry, including agriculture and forestry; prohibition to carry on an enterprise, duty to sell an interest, increase in delivery of agricultural or other products, and requirement to perform special services.
- VII. Assignment to a labor camp and complete confiscation of property may not be ordered.

M. G. Anno

The period of probation for a Lesser Offender must be fixed at a minimum of two years from the date of the decision by the Tribunal (MGR 9-832 b (5)).

Lesser Offenders may perform compulsory labor up to 180 days in working out their fines in accordance with the rate set by a Tribunal (Regulation No. 17, MGR 24-500.117).

Property sanctions levied on Lesser Offenders shall amount to 10% to 40% of their property, but in no case less than RM 500. In exceptional cases, the sanction may exceed 40%. The Tribunal may permit payments in instalments in appropriate cases (see Instructions, MGR 24-500.60).

Followers

ARTICLE 18

Sanctions against Followers:

- (1) They shall be ordered to pay single or recurrent contributions to funds for reparations. There shall be taken into account the length of membership, the amount of dues and other contributions, the property, income, and family conditions, and similar circumstances.
- (2) In addition, in the case of civil servants, transfer to retirement or to an office with inferior rank or to another agency, possibly with reduction in pay, or the rescission of a promotion received while the person belonged to the NSDAP, may be ordered. With regard to persons in trade and industry, including agriculture and forestry, similar measures may be ordered.

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M. G. Anno:

Monetary sanctions against Followers shall be fixed at not less than RM 50 nor more than RM 2000. The Tribunal may permit payments in instalments in appropriate cases. The decision shall set forth the amount of compulsory labor not in excess of 30 days which the respondent may perform in lieu of payment (Regulation No. 6, MGR 24-500.16).

Extenuating Circumstances

ARTICLE 19

With respect to the imposition of discretionary sanctions, the following extenuating circumstances may especially be taken into consideration:

- (1) Youth or immaturity;
- (2) Serious bodily disability resulting from the impact of the war;
- (3) Heavy and permanent strain upon the earning power of a person because of invalidism of relatives, especially as a result of impact of the war.

M. G. Anno:

Extenuating circumstances are not defenses and are not to be taken into consideration by the Tribunal in arriving at its finding (i. e., the classification of offender), nor must they affect the imposition of mandatory sanctions. Extenuating circumstances are only to be considered in arriving at what discretionary sanctions should be imposed (MGR 9-832 b(2) and 9-834.7 c).

ARTICLE 20

- (1) With regard to persons born after 1 January 1919, sanctions can be imposed under this law only if they are Major Offenders, Offenders or Lesser Offenders.
- (2) In accordance with special regulations, sanctions against such persons may be reduced if they are not Major Offenders.

M. G. Anno:

Persons born after 1 January 1919 are not affected by the Law unless they are within Class I or II categories listed in the appendix to the Law or unless there is other evidence indicating that they are Major Offenders or Offenders (MGR 2-150).

Amnesty decree for youthful ex-Nazis (MGR 24-500.70).

The Youth and Christmas Amnesties do not apply to members of organizations found criminal by the International Military Tribunal (the SS, SD, Gestapo and Corps of Political Leadership of the NSDAP) and any Tribunal findings of Lesser Offender or Follower do not have the effect of exempting such respondents from the sanctions provided by the Law for Liberation (OMGUS letter dated 9 April 1947, file AG 010.6 (IA), subject, "Trial of Members of Criminal Organizations under the Law for Liberation").

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ARTICLE 21

In case confiscation of property values is ordered, all dispositions and other transactions, which have been or will be made with the intent to defeat or to render more difficult the application of the property for reparations, are void.

Relation to Criminal Law

ARTICLE 22

1. Criminal offences by National Socialists or Militarists may be criminally prosecuted independently of this Law. This applies especially to war crimes and other offences which have remained unatoned under the National Socialist tyranny.
2. Proceedings under this Law shall not bar prosecution under criminal law for the same offence. However, in imposing sanctions under this Law penalties for the same act imposed in criminal proceedings may be taken into account.

M. G. Anno:

Military Government has decided to entrust the trials of members of organizations found criminal by the International Military Tribunal to the Public Prosecutors and Tribunals established under the Law for Liberation and, to the extent that this is consistent with the finding of the International Military Tribunal, to permit the substantive and procedural provisions of the Law for Liberation to apply (OMGUS letter dated 9 April 1947, file AG 010.6 (IA), subject, "Trial of Members of Criminal Organization under the Law for Liberation").

CHAPTER II

The Minister

ARTICLE 23

The Minister President shall appoint a Minister for Political Liberation who shall be responsible for carrying out this Law. He must be an opponent of long standing of National Socialist tyranny and Militarism actively pro-democratic, and an avowed supporter of the principles of this Law.

The Tribunals

ARTICLE 24

1. The Tribunals shall decide the classification of the responsible persons and the sanctions to be imposed.
2. Trial Tribunals shall be established in urban and rural districts.
3. Appellate Tribunals shall be established for the review of decisions.
4. A Public Prosecutor will be assigned to each of the Tribunals.

M. G. Anno:

Special Tribunals for professional or occupational groups are forbidden (MGR 2-120 j).

ARTICLE 25

1. The Tribunals shall be composed of one chairman and at least two assessors.

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2. The members of the Tribunals must be at least thirty years of age.
3. The chairman of the Trial Tribunal should, and the chairman of the Appellate Tribunals shall, be qualified for the office of judge or for the higher administrative service.
4. The members of the Trial Tribunals shall be familiar with local conditions within their area of jurisdiction. The occupational group to which the respondent belongs, or a related group, shall be represented, to the extent possible, among the assessors. However, such persons may not constitute a majority and may not be business competitors of the respondent.

ARTICLE 26

1. The chairmen, their deputies, the assessors of the Tribunals (Trial and Appellate Tribunals) and the public prosecutors shall be appointed by the Minister for Political Liberation. The appointment of the chairmen and their deputies shall be made after consultation with the Minister of Justice.
2. The democratic parties authorized at Land level are to be invited to submit proposals concerning appointment of assessors. A one-sided political combination of Tribunals shall be avoided.
3. The selection of assessors for individual sittings is to be made by the chairmen, in a pre-determined sequence.

ARTICLE 27

1. The members of the Tribunals shall be independent and subject only to the Law.
2. They shall take an oath in public session that they will administer justice in no one's favor and to no one's harm, to the best of their knowledge and conscience, and without bias or prejudice. It is permissible to add formal words of religious affirmation.
3. The Minister for Political Liberation shall exercise administrative supervision over the Tribunals.

ARTICLE 28

All persons entrusted with the execution of this Law must be known as opponents of National Socialism and Militarism. They must be personally beyond reproach and be fair and just.

M. G. Anno:

Persons selected to serve as Public Prosecutors or members of Tribunals must be free of any Nazi affiliations. They must be regarded in the community as having been consistently opposed to the Nazi and militaristic way of life. They need not have participated actively in an opposition movement, however, in order to be considered qualified to serve (MGR 2-160.2).

Venue

ARTICLE 29

The venue of the Tribunals is determined by:

- a) the present or last domicile or residence of the respondent;
- b) the place where the respondent is detained by order of the authorities;

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- c) the place where the respondent has been active at any time;
- d) the place where property of the respondent is located.

In case of doubt, the Minister for Political Liberation will decide as to the venue.

M. G. Anno:

Venue will be set preferentially at the place of residence or detention and only at the place where the respondent has been active or owns property when the respondent is not resident or detained in the Land. Trial elsewhere will only be authorized by the Minister of Political Liberation when the Tribunal having venue is prevented from exercising jurisdiction on legal or factual grounds or where the Minister has found it necessary to vacate a decision and order a new trial and it is deemed desirable that the case be heard by a different Tribunal (MGR 2-120 j).

Civilian internees in the custody of the Minister of Political Liberation who are members of organizations found criminal by the International Military Tribunal must be tried by a Tribunal at the Civilian Internee Enclosure unless in individual cases Military Government approval is obtained for their trial elsewhere (MGR 2-240.5).

No civilian internees are to be released except under the following circumstances:

- a. When determined by the Public Prosecutor to be not incriminated;
- b. In accordance with Tribunal findings;
- c. For transfer to the Land or Zone of residence;
- d. On approval by the Military Governor;
- e. On approval by the Regional Office of Military Government because of physical or mental incapacity;
- f. On approval by the Regional Office of Military Government for compassionate leave (OMGUS cable No. V-12966 dated 17 January 1947).

ARTICLE 30

If the Tribunal which would ordinarily be competent, in an individual case, is prevented from exercising jurisdiction, on legal or factual grounds, the Minister for Political Liberation shall transfer the investigation and decision of the case to a Tribunal of equal rank of another district.

Substantive Jurisdiction

ARTICLE 31

- (1) The Tribunals shall be authorized and obligated under this Law to decide on all cases without being bound by previous decisions of other agencies.
- (2) No other proceedings for the purpose of political liberation shall take place apart from the proceedings before the Tribunals.

M. G. Anno:

Military Government has authority in certain classes of employment or activity to disapprove individuals despite the fact that their cases have been heard and no employment sanctions have been imposed by Tribunals (MGR 2-160).

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Persons whose cases have been finally disposed of by Military Government agencies or German Tribunals in other Zones of occupation pursuant to Control Council Directive No. 38 (MGR 23-161.38) will not be prosecuted under the Law for Liberation (OMGUS cable No. V-12 342, dated 3 January 1947).

Persons eligible to apply for institution of proceedings

ARTICLE 32

- (1) The following shall be eligible to apply for institution of proceedings:
 - The Minister for Political Liberation and his authorized representatives.
 - The public prosecutor.
 - The mayor of the present and former residence.
 - The supreme administrative authority of the Land, with regard to civil servants and employees of the public administration.
 - The injured person, provided he was directly harmed by the respondent in the particular case.
 - The trade unions, the vocational or business associations, and the political parties authorized at Land level, as well as any other authorized organization.
 - The respondent himself or his legal representative.
- (2) The application must designate the respondent, and contain brief reasons. It may be filed with any Tribunal.

The Public Prosecutor

ARTICLE 33

1. The Public Prosecutor shall ascertain all responsible persons (Article 4). He shall receive and examine all registration forms (Meldebogen) (Article 3), applications (Article 32), denunciations and other data referring to responsible persons, and institute the investigations ex-officio. He shall carry out the investigation, prefer the charges and prosecute the case before the Tribunal.
The charge must contain:
 - (a) the group of responsible persons to which the respondent shall be assigned;
 - (b) the basis for the charge;
 - (c) essential evidence;
 - (d) the motion as to whether the decision shall be taken in summary proceedings or on the basis of oral trial.
2. Insofar as the list attached to this Law or directives of the Minister for Political Liberation designate groups of persons or individuals as specially requiring investigation, such investigation shall be conducted with particular care.
3. If the respondent falls within Class I of the attached list, his investigation shall be given priority, and the charge filed shall contain a motion to allocate him to a group of major offenders. In such a case an oral hearing is obligatory.
4. If the respondent falls within Class II of the attached list, the charge filed by the public prosecutor shall contain a motion

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to allocate him to the group of major offenders or offenders, or if it seems to the public prosecutor warranted by the result of his investigation, to the group of probationers. In such a case, also, an oral hearing is obligatory if requested by the public prosecutor, the person who applied for institution of the proceedings, or the respondent.

5. If the respondent does not fall within any of the categories enumerated in the list, the public prosecutor shall move to allocate him into such group of persons responsible as is warranted by the result of his investigations.

If the respondent falls within the class of major offenders or offenders, the public prosecutor shall proceed in accordance with paragraphs 3 and 4. If the respondent belongs to the group of lesser offenders or that of followers, the public prosecutor shall move for a decision in written proceedings. If such a respondent appears to be exonerated or not incriminated at all, the public prosecutor shall quash the proceeding.

6. The charge, any motion for a decision in written proceedings, or any order quashing the proceedings, must be served upon the respondent and the person who applied for institution of the proceedings.
7. If the public prosecutor moves for a decision in written proceeding or quashes the proceeding, the person who applied for institution of the proceedings may apply within two weeks to the Tribunal for a decision.

M. G. Anno:

Public Prosecutors must charge persons falling within Class I categories as Major Offenders and persons falling within Class II categories as Major Offenders, Offenders, or in appropriate cases, Lesser Offenders (MGR 2-120 g, 9-832 a, 9-834.3 and 9-834.6). With reference to persons charged as Major Offenders, an oral hearing is obligatory. An oral hearing can be demanded by the Public Prosecutor, the person who applied for institution of the proceedings or by the respondent himself if the respondent is in a Class II category (MGR 2-120 i).

It is the duty of the Public Prosecutor to give priority to investigations and trials involving (1) persons exercising authority or influence, (2) persons in Class I or II categories, and (3) other persons considered to be Major Offenders. No preference shall be given to persons whose employment has been approved or disapproved by Military Government except upon request of the competent Minister (Administrative Instruction No. 1, MGR 24-500.31).

The staff of the Public Prosecutor will evaluate the Meldebogen in accordance with the Rank List and Instructions and will summarize incriminating information on the Work Sheet (Arbeitsblatt) in the space provided therefore (MGR-24-500.55).

In the course of his investigation the Public Prosecutor shall collect information by circulating a Work Sheet (Arbeitsblatt) to various agencies in the community, including the Special Branch of the local Security and Liaison Office of Military Government (Administrative Instruction No. 1, MGR 24-500.31).

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The various agencies and preliminary screening boards (Vorprüfungsausschüsse) to which Arbeitsblätter are circulated are required to submit facts only and are prohibited from giving opinions or making recommendations. Public Prosecutors have been instructed not to submit any opinions or recommendations of such agencies to the Tribunals (MGR 2-120 d). See also Instructions for processing Arbeitsblätter, MGR 24-500.68.

An Arbeitsblatt need not be circulated concerning a person who does not appear to be chargeable under the Law. Instead, lists of persons who appear to be not chargeable will be circulated to the Special Branch of the local Security and Liaison Office of Military Government, and to the police. The list will be publicly posted (Administrative Instruction No. 3, MGR 24-500.68 and MGR 9-834.5).

In implementing the Christmas and Youth Amnesties, Public Prosecutors will follow procedures similar to those outlined in Administrative Instruction No. 3 (MGR 24-500.33) with the additional proviso that a copy of the list will be furnished to the appropriate Finance Office (OMGUS cable No. V-14 400, dated 18 February 1947).

Youth Amnesty Decree (MGR 24-500.70).

Christmas Amnesty Decree (MGR 24-500.71).

Burden of Proof**ARTICLE 34**

I. If the respondent falls within Class I or II of the list attached to this Law, he has to show in a clear and convincing manner that he falls within a group more favorable to him. He shall immediately submit his evidence to the Tribunal. If the respondent falls within Class I, any defense offered by him shall be judged by particularly rigid standards.

II. Whoever claims to be a follower or exonerated has the burden of proof if this shall be questioned.

M. G. Anno:

It is highly important that the Public Prosecutor's charge be in accordance with paragraphs 3 and 4 of Article 33 of the Law in order to require the respondent to assume the burden of proof (MGR 9-834.6).

If the defense offered by the respondent is a relevant one (Article 39 II), the Tribunal is still bound by Article 34 to require the respondent to assume the burden of proof if he is in any of the Class I or II categories listed in the appendix to the Law. The Tribunal is not legally justified in downgrading the respondent unless the respondent assumes the burden of proving in a clear and convincing manner that he should be placed in a lower classification. If the respondent is in a Class I category any defense made by him should be judged by particularly rigid standards (MGR 9-834.7 b).

Upon proof of membership in an organization found criminal by the International Military Tribunal, a presumption shall arise that the member joined or remained a member with knowledge of the criminal acts and purposes of the organization. This presumption is rebuttable and may be overcome by evidence to the contrary in accordance with Article 34 of the Law. A similar presumption shall arise with reference to the voluntary nature of

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a respondent's membership in the Waffen SS; those who claim that they were drafted into membership by the State in such a way as to give them no choice in the matter have the burden of proving such a defense (OMGUS letter dated 9 April 1947, file AG 010.6 (IA), subject "Trial of Members of Criminal Organizations under the Law for Liberation").

Procedure Before the Tribunal

ARTICLE 35

1. The Tribunals shall regulate their procedure according to their unfettered discretion. On their own motion they shall do everything necessary to ascertain the truth.
2. They may hear witnesses and experts under oath and receive affidavits; they may, by subpoena and fines, compel the respondent, a witness, or an expert to appear personally.
3. The date of trial shall be published in advance in a suitable manner.
4. The respondent is entitled to a fair hearing. He may have the assistance of an attorney at law or any other licensed counsellor.
5. If the respondent fails to appear without excuse or cannot be reached, the case may be tried and decided in his absence.

M. G. Anno:

For procedures and grounds for challenging the competence and qualifications of individual members of Tribunals, see Regulation No. 3 (MGR 24-500.13).

Indigent respondents are entitled to have defense counsel appointed for them and compensated by the State at fixed rates. See Regulation No. 12 (MGR 24-500.112).

ARTICLE 36

In the case of an absent person, whose whereabouts are unknown or who stays outside of the Land or whose appearance before the competent Tribunal appears not to be feasible, an oral hearing shall take place only if the public prosecutor so moves. The absent person shall be summoned in an appropriate manner by service by publication. A representative must be appointed for him.

M. G. Anno:

For the registration, notice by publication and procedures to be followed in proceedings against absent, missing, deceased or detained persons, see Regulations No. 1 and 4 (MGR 24-500.11 and 24-500.14).

ARTICLE 37

If the respondent is dead, a proceeding for the purpose of confiscating his estate, in whole or in part, situated within the Land may be carried out upon the order of the Minister for Political Liberation, without regard to statutory inheritance or testamentary dispositions. Such a proceeding may be ordered only if the respondent is considered to have been a major offender or offender within the meaning of this Law.

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M. G. Anno:

The Bürgermeister of the community of the domicile of a deceased person who is chargeable as a Major Offender or Offender must submit a registration form (Meldebogen) for the deceased person (Regulation No. 1, MGR 24-500.11).

Claims of survivors to pensions of deceased persons who fall within Class I or II categories listed in the appendix to the Law shall remain suspended pending the disposition of proceedings against the estate of the deceased person (Regulation No. 16, MGR 24-500.116).

Charges preferred under Article 37 shall be served on the heirs of the deceased respondent. Others having a financial interest in the estate may join in the proceedings provided they are able to prove their interest to the satisfaction of the Tribunal. Costs of the proceedings may be debited against the estate if according to the usual rules they would have been charged against the respondent had he been alive.

ARTICLE 38

1. Without being bound by any motions, the Tribunal shall decide on the basis of the evidence according to its free conviction formed from the whole trial.
2. The Tribunal shall decide by a majority vote in secret deliberation.

ARTICLE 39

In determining the group of persons responsible to which the respondent shall be allocated, the Tribunal shall take into consideration, in particular, the following circumstances:

I. Against the Respondent:

- (1) That he personally gave eager support to Nazi ideas and measures;
- (2) That he exploited his position as superior for political purposes; for example, that he exercised pressure upon subordinates for the purpose of causing them to join the NSDAP or its formations;
- (3) That he employed political pressure to achieve private aims;
- (4) That he physically mistreated or menaced political opponents;
- (5) That he showed an unsocial or brutal attitude towards political opponents, persons who were economically weaker, in particular, against persons in dependent positions, for instance, against foreign workers, or against religious minorities;
- (6) That he used threats against public servants to enforce or suppress official acts.

II. In favor of the Respondent:

- (1) That he resigned from the NSDAP and its formations prior to 30 January 1933, or if he resigned thereafter, by a personal declaration made under circumstances requiring courage; that he was expelled from the NSDAP and its formations, provided such expulsion was based

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on his resistance against party demands and not upon dishonorable conduct; subsequent rejoining cancels the effect of such a declaration of resignation or such expulsion;

- (2) That it is proved that he cooperated with a resistance movement or with any other movement directed against the Nazi tyranny, if such resistance was based upon anti-Nazi and anti-militaristic motives;
- (3) That it is proved that he regularly and publicly attended the services of any recognized religious sect, if there is clear evidence that such participation signified rejection of Nazism;
- (4) That it is proved that he repeatedly supported and assisted victims and opponents of Nazism, if this was done for anti-Nazi motives;
- (5) That it is proved that, despite his membership in the NSDAP or one of its formations, he was subject to political persecution or suppression by the Nazi tyranny on account of his anti-Nazi activities or attitude.

III. The fact that a respondent was compelled by orders to be active in the Health Service shall not be considered against him even though he held a rank in connection with such activity.

M. G. Anno:

While Article 39 is not restrictive as to the evidence which may be offered in defense, it is difficult to perceive other evidence which would be relevant to the issues other than an outright denial by the respondent of the activity or affiliation with the Nazi organization which is the basis of the charge against him. Therefore, if no defense is made, or if the defense which is made is not relevant to the issues, (i. e., not one of the defenses enumerated in this Article), there is no legal basis for the Tribunal to place the respondent in a lower classification than that of the Public Prosecutor's charge (MGR 9-832 b (4) and 9-834.7 a).

Since an amnesty has been declared for youthful offenders born after 1 January 1919 who are not in Class I or II categories or are not found to be Major Offenders or Offenders (MGR 24-500.70), the fact that the respondent was born after 1 January 1919 should be considered as a defense rather than as an extenuating circumstance (MGR 9-834.7 c).

For a precise statement of the effect and application of the youth amnesty, see MGR 2-150.

ARTICLE 40

1. The Tribunals, and in case of urgency the chairmen, may issue interlocutory orders at any stage of the proceedings.

2. They can, in particular, order the arrest and confinement of the respondent; they can prohibit his continued employment; and they can order blocking of his property.

M. G. Anno:

Where the Public Prosecutor requests an interlocutory order, the Chairman of the Tribunal shall render his decision without delay. If the Chairman refuses to issue the order, it must be

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submitted to the Tribunal for decision (Administrative Instruction No. 2, MGR 24-500.32).

Interlocutory orders issued by the Chairman alone must be submitted to the Tribunal within two weeks for confirmation, amendment or rescission. All interlocutory orders relating to arrest shall be reviewed by the Tribunal once every four weeks for the purpose of considering whether the conditions requiring continued custody still prevail (Regulation No. 13, MGR 24-500.113).

In the event of an appeal of a case in which an interlocutory order of arrest has been issued, the Public Prosecutor must submit the complete files to the Appellate Tribunal within three days for the purpose of a consideration by the Appellate Tribunal of the justification for continued detention (Regulation No. 13, MGR 24-500.113).

Property which is now blocked or controlled by Military Government will continue to be blocked or controlled until final decision by a Tribunal, at which time the property will be disposed of in accordance with the findings and sanctions imposed, if any. If no property sanction is imposed, the property will be unblocked or released from control provided there are no other grounds under Law No. 52 for its continued control (MGR 2-130.5).

The property of persons who fall within Class I or II categories listed in the appendix to the Law whose employment or activity has not been approved by Military Government (Article 59) or by the Minister of Political Liberation (Article 60) shall be blocked as of 1 June 1946 until decision by a Tribunal. This does not apply to owners and employees of small enterprises or persons in independent professions excepted by the provisions of paragraph 3 of Article 58 (Regulation No. 8, MGR 24-500.18).

ARTICLE 41

The decision of the Tribunal shall state whether the respondent is a major offender, an offender, a lesser offender (probationer), follower, or is exonerated, and shall impose the appropriate sanctions.

ARTICLE 42

1. In allocating a respondent to the group of lesser offenders (probationers) the Tribunal shall fix a period of probation. At the same time it shall determine the sanctions to be applied during the period of probation.

2. Upon expiration of the period of probation, the public prosecutor shall make a motion, based upon the results of his investigation, to allocate the respondent to a group of persons responsible. Together with its decision upon this motion, the Tribunal shall finally determine the sanctions to be imposed. If the respondent does not prove himself, he shall be allocated, upon application of the public prosecutor, even before the end of the probationary period, in a new proceeding, to the class of offenders. At that time sanctions shall be determined.

ARTICLE 43

If the decision is made in written proceedings, the respondent shall be afforded adequate opportunity for his defense and for submitting his evidence.

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M. G. Anno:

In the case of a written proceeding, the Chairman of the Tribunal shall submit the record to the Tribunal for decision two weeks after charges have been served upon the respondent (Administrative Instruction No. 2, MGR 24-500.32).

ARTICLE 44

The decision of the Tribunal shall be in writing, with brief reasons emphasizing any circumstances in favor of and against the respondent; it shall be signed by the members of the Tribunal.

M. G. Anno:

Minutes of the hearing shall be kept on a prescribed form. Testimony of witnesses and experts shall be recorded in detail. The decision and sentence shall be reduced to writing and shall give reasons, and certified copies shall be served upon the Public Prosecutor, the person, if any, who applied for institution of the proceedings, and the respondent. Copies shall be sent to the Minister and to local Military Government. At the conclusion of the trial the sentence shall be pronounced, stating in brief the grounds on which it is based (Administrative Instruction No. 2, MGR 24-500.32).

ARTICLE 45

A certified copy of the decision, together with the reasons, shall be served upon:

- (1) The public prosecutor;
- (2) The person who applied for the institution of the proceedings;
- (3) The respondent and his legal representative.

M. G. Anno:

Minutes of the hearing shall be kept on a prescribed form. Testimony of witnesses and experts shall be recorded in detail. The decision and sentence shall be reduced to writing, shall give reasons, and certified copies shall be served upon the Public Prosecutor, the person, if any, who applied for institution of the proceedings, and the respondent. Copies shall be sent to the Minister and to local Military Government (Administrative Instruction No. 2, MGR 24-500.32).

Appeal

ARTICLE 46

From the decision of the Tribunal the persons designated in Article 45 may file an appeal, to the Appellate Tribunal. The appeal shall be filed with the Trial or Appellate Tribunal within one month after service of the decision and shall contain in writing the grounds for appeal.

M. G. Anno:

Upon receipt of an appeal, the Chairman of the Tribunal shall forward the application for appeal to the Public Prosecutor together with the record of the case (Administrative Instruction No. 2, MGR 24-500.32).

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The procedures outlined in Administrative Instruction No. 2 apply as well to Appellate Tribunals (MGR 24-500.32).

The Public Prosecutor is allowed fourteen days after a respondent appeals to file a cross appeal (Regulation No. 10, MGR 24-500.110).

Under German appellate practice, if the respondent alone appeals, the Appellate Tribunal cannot classify him higher than he was classified by the Trial Tribunal nor impose additional sanctions. It is therefore important that the Public Prosecutor himself appeals in such cases if he desires to confer full jurisdiction upon the Appellate Tribunal to revise the decision of the Trial Tribunal (MGR 9-834.9).

If the respondent withdraws his appeal before it is heard, only one quarter of the costs of the appeal shall be assessed against him (Regulation No. 22, MGR 24-500.122).

Persons sentenced to Labor Camps by Spruchkammer will start serving their sentences immediately notwithstanding the fact that appeals may be pending or contemplated (OMGUS cable No. V-13930, dated 7 February 1947).

ARTICLE 47.

1. The appeal may challenge both the allocation into a certain group and the imposition of sanctions insofar as they are within the discretion of the Tribunal.

2. The appeal can be based only upon the ground that the facts as found did not warrant the decision of the Trial Tribunal, or that the proceedings were conducted in an arbitrary or partial manner. The Appellate Tribunal may dismiss appeals which are manifestly unmeritorious. It may itself take new evidence if, in its discretion, this appears to be necessary for a just decision of the case. This applies, in particular, if essential facts or evidence could not previously have been presented.

3. The Appellate Tribunal may in its decision affirm or modify the decision appealed from, or may remand the case for a new trial to the same or another Trial Tribunal.

4. In all other respects, the provisions governing procedure before the Trial Tribunals shall apply to the Appellate Tribunals so far as practicable.

Reopening of Proceedings

ARTICLE 48

1. The proceedings may, upon motion, be reopened on the ground of new essential facts or evidence.

2. The Trial Tribunal shall decide without oral hearing whether reopening of the proceedings shall be permitted. A decision rejecting the reopening of a proceeding may be appealed from.

M. G. Anno:

In proceedings against absent persons, the decision shall be served upon the respondent if he is apprehended or surrenders. Within one week thereafter, the respondent may ask for a reopening of the proceedings notwithstanding the fact that the conditions of Article 48 have not been fulfilled. A new trial shall be ordered if the respondent gives satisfactory explanation of his

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absence or if other circumstances justify a new trial (Regulation No 4, MGR 24-500.14).

If a motion on behalf of the respondent to reopen the case is rejected, the costs assessed against the respondent shall be one-half of the costs originally assessed in the first instance (Regulation No. 22, MGR 24-500.122).

Exclusion of Other Remedies

ARTICLE 49

Remedies other than appeals shall not be permissible. In particular, interlocutory orders are not subject to any review.

Enforcement of Decisions

ARTICLE 50

The Minister for Political Liberation shall issue the necessary regulations for enforcement of any measures, which may be ordered.

Group Register

ARTICLE 51

1. After final decision by the Tribunals, the classification of the respondent and the sanctions imposed upon him shall be entered on his identification card and in a register established for this purpose.

2. The register shall be open for public inspection.

M. G. Anno:

After the sentence has become final, a certified copy shall be sent to the police authority of the place where the respondent has his domicile or residence (Administrative Instruction No. 2, MGR 24-500.32). See also MGR 2-120 k.

The police authority shall enter the sentence on the register which shall be open for public inspection. If the respondent moves, the police authority shall notify the police authority of the place to which the respondent moves of the sanctions which have been imposed (Regulation No. 2, MGR 24-500.12).

Upon receipt of the sentence against a respondent who has been adjudged a Major Offender, Offender or Lesser Offender, the police authority shall summon the respondent and enter the finding and sanctions imposed on the respondent's Kennkarte (Regulation No. 2, MGR 24-500.12). The entries on the Kennkarte shall be made in accordance with the uniform procedures prescribed by Regulation No. 14 (MGR 24-500.114).

Review

ARTICLE 52

1. The Minister for Political Liberation may request that any decision be submitted to him for review.

2. If the public prosecutor believes that a final decision of the Tribunal is obviously wrong or inconsistent with the purposes of this Law, he must submit the case to the Minister for Political Liberation for review.

3. The Minister may vacate the decision, order a new trial, and in such event he may remand the case to a different Trial Tribunal.

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ARTICLE 53

If, during a substantial period of time after the final decision, a respondent has manifested by his whole conduct that he has completely turned away from Nazism, and that he is fit and willing hereafter to participate in reconstructing Germany on a peaceful and democratic basis, the public prosecutor may, after a thorough examination of the case, propose to the Minister for Political Liberation to mitigate or vacate the decision against the respondent. The Minister shall decide fairly and equitably, taking into consideration the policies and aims of this Law.

Pardon

ARTICLE 54

The power of pardon shall be exercised by the Minister President acting on the recommendation of the Minister for Political Liberation.

Assistance from Other Agencies

ARTICLE 55

The public prosecutor and the Tribunals are authorized to exercise official functions outside of their districts, without the consent of the local competent authorities.

ARTICLE 56

1. All agencies of the state, the communities and the police administration, as well as the self-governing and special administrative authorities, shall cooperate with the agencies entrusted with the administration and enforcement of this Law. It is not permissible to reject any such request for cooperation. Costs and expenses resulting from such cooperation will not be refunded to the agencies thus requested.
2. No stamps, fees, and public imposts, which by the law of the Land are payable in connection with a request for official co-operation shall be levied.
3. The above provisions are applicable also where a request for official assistance on the basis of this Law is made by the authorities of another German Land.

Costs

ARTICLE 57

Proceedings under this law are subject to costs.

M. G. Anno:

A schedule of fees and costs has been enacted. See MGR 24-500.52.

CHAPTER III

Statutory Prohibition of Activities and Employment

ARTICLE 58

1. From the effective date of this law persons who are enumerated in Class I or II of the list attached to this Law, or who were otherwise members of the NSDAP or one of its for-

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mations except the Hitler Youth (HJ and BDM), shall not be employed or active in all public and private enterprise, non-profit and welfare organizations, as well as in professions; except in ordinary labor. If such persons are still active or employed in any way other than in ordinary labor, they shall be removed and excluded from their positions on the effective date of this Law. They shall no longer be active in the same agency or in the same business. In other places they may be employed only in ordinary labor.

2. Removal and exclusion applies not only to persons who work in dependent positions, but also to entrepreneurs, owners of a business, and persons owning an interest therein.

3. The provisions of this Article do not apply to owners and employees of small enterprises, particularly manual trade enterprises, retail stores, farms, similar enterprises, employing less than ten persons. These provisions also do not apply to persons engaged in independent professions provided they do not employ more than two assistants, such as clerks, nurses, and similar personnel.

M. G. Anno:

All private employers employing ten or more persons are required to submit monthly Status Reports to the local Labor Office, certified by the Works Council. Labor Offices may assess penalties up to RM 1000 for failure to comply with this regulation. Status Report forms have been prescribed and are intended to show the status of all officials and employees under the Law for Liberation. Copies of the Status Reports are required to be posted in the employer's premises in order that they can be scrutinized by all employees (Regulation No. 5 (as amended), MGR 24-500.15).

All public and semi-public offices are required to submit similar monthly Status Reports to their superior authorities with copies to the Minister of Political Liberation and to the local Security and Liaison Office of Military Government (Regulation No. 7, MGR 24-500.17).

Sponsoring and supporting members of a formation are not barred by the provisions of Article 58 unless they are within Class I and II categories (E-II (2) listed in the appendix to the Law (Regulation No. 9, MGR 24-500.109).

The Special Branches of local Security and Liaison Offices will ensure that Articles 58 and 59 are enforced and observed in both public and private employment by following the procedures outlined in MGR 9-844 to 9-846 inclusive.

The provisions of Article 58 do not apply to persons born after 1 January 1919 unless they are in Class I or II categories listed in the Appendix to the Law. If the youthful offender is in a Class II category solely because he was admitted to the NSDAP from the Hitler Youth, the provisions of Article 58 will not apply if after investigation the Public Prosecutor charges the youth only as a Lesser Offender (Youth Amnesty Decree, MGR 24-500.70).

ARTICLE 59

1. Persons whose employment or activities have been temporarily approved by Military Government or pursuant to Military Government Law No. 8 may, until final decision by the Tribunal,

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continue in their activities or employment unless prior to such decision Military Government has revoked such approval.

2. Any person who pursuant to an order of Military Government or Military Government Law No. 8 has been removed or excluded from public office or any other position, shall not be re-employed therein until the Tribunal has made a final decision in his favor.

M. G. Anno:

A person may be considered to have had the temporary approval of Military Government if the following conditions have been met:

- a. A Fragebogen has been submitted and an investigation made by Special Branch (or by a Tribunal in a case heard under Law No. 8);
- b. The person was found not to be in a mandatory removal category; and
- c. The person was not ordered removed or excluded by Military Government (or by a Tribunal in a case heard under Law No. 8). (MGR 2-140.2)

No person who has been found to be in a mandatory removal category can be considered as having had the approval of Military Government unless Military Government Review Boards at Land level or higher have approved the appointment or retention of the person in question (MGR 2-140.4).

Temporary revocable employment licenses or authorizations issued by Military Government to persons (doctors and others) in mandatory removal categories to engage in professional or other activities to the extent that their personal services were found necessary for the health, safety or well-being of the community, are not approvals by Military Government and in any event were terminated as of 1 August 1946. Nor are blanket approvals of classes or categories of persons, or exemptions to professional or occupational groups, to be considered approvals by Military Government. To constitute an approval, the action must have been taken on an individual basis after consideration of the facts in each case (MGR 2-140.3).

Persons in Class I or II categories listed in the appendix attached to the Law who have been arrested and interned are to be considered as having been disapproved by Military Government (MGR 2-140.6 b).

Approvals granted by Military Government are revocable at any time prior to final decision by a Tribunal if new evidence is discovered which warrants such action or if in individual cases it is found that the grounds upon which the original approval was given were erroneous (MGR 2-140.5). See also MGR 9-866.6.

Approvals granted by Military Government agencies in other zones of occupation shall have the same force and effect as approvals granted in the U.S. Zone (OMGUS cable No. V-12342, dated 3 January 1947).

Approvals granted by Military Government, including those issued by Land, USFET, or OMGUS Denazification Review Boards, will be considered as terminated and revoked as soon as a Spruchkammer decision has been made imposing disqualify-

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ing sanctions. The fact that the respondent has taken an appeal, or that the Berufungskammer or the Minister of Political Liberation has reversed the decision of the Spruchkammer and remanded the case for a retrial, will not be considered as restoring the force and effect of the Military Government approval under either Article 59 or Article 62 of the Law (OMGUS cable No. V-15153, dated 5 March 1947).

Temporary Exemptions

ARTICLE 60

The Minister for Political Liberation may temporarily and revocably authorize continued activities or employment under the following conditions:

- a. Continued employment or activities must be absolutely indispensable for maintaining public health or safety because of the special qualifications of the person concerned;
- b. There must not be available any qualified, politically unincriminated person;
- c. The person concerned must not fall within the group of major offenders;
- d. He must not owe his position exclusively to the NSDAP;
- e. He must not have an influence on the management and business policies of the enterprise nor upon the hiring, and discharging, of others;
- f. His income from his work must not exceed in any case the amount of RM 500 per month;
- g. He must be replaced by a politically unincriminated person as soon as possible.

Statutory Blocking of Property

ARTICLE 61

1. The property of persons removed and excluded pursuant to Article 58 is subject to blocking.

2. For administering and safeguarding property blocked under this Law, the Minister for Political Liberation, or an agency designated by him, shall appoint a trustee.

M. G. Anno:

The property of persons who fall within Class I or II categories listed in the Appendix to the Law whose employment or activity has not been approved by Military Government (Article 59) or by the Minister of Political Liberation (Article 60) shall be blocked as of 1 June 1946 until decision by a Tribunal. This does not apply to owners and employees of small enterprises or persons in independent professions excepted by the provisions of paragraph 3 of Article 58 (Regulation No. 8, MGR 24-500.18).

Pending a final decision by a Tribunal, claims for payment of pensions, annuities or other benefits on behalf of the following persons shall be suspended:

- a. Persons falling within Class I or II categories listed in the Appendix to the Law or who are charged as Major Offenders, Offenders or Lesser Offenders;
- b. Persons who have been removed from public office or other positions by order of Military Government or in accordance with Law No. 8 (Regulation No. 16, MGR 24-500.116).

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CHAPTER IV

Transitory Provisions

ARTICLE 62

Proceedings under this Law need not be initiated by the public prosecutor against persons who, after investigation, have received final approval of Military Government for their employment or activities, unless they were members of the NSDAP or one of its formations (excluding HJ or BDM) or unless new facts or evidence against them have come to the knowledge of the public prosecutor. Members of the NSDAP or one of its formations (except HJ or BDM) whose activities or employment, after investigation, have received final approval of Military Government shall be classified in a group not higher than followers, unless there is evidence against them.

M. G. Anno:

No person who has been found to be in a mandatory removal category can be considered as having had the approval of Military Government unless Military Government Denazification Review Boards at Land level or higher have approved the appointment or retention of the person in question (MGR 2-140.4). See also Title 16, Finance, MGR 16-653 and 16-660 et seq.; Title 17, Property Control, MGR 17-235, 17-236, 17-240 and 17-300; Military Government Law No. 52, MGR 23-332; and General Order No. 1, Supplement No. 2, Pursuant to MG Law No. 52, MGR 23-332.1.2.

Directors of Land Offices of Military Government have authority to revoke final approvals by Denazification Review Boards at Land level or higher in individual cases where such action appears warranted (MGR 2-140.5).

Wherever investigation by the Public Prosecutor has uncovered evidence warranting a charge of Major Offender, Offender or Lesser Offender against an important or influential person who has previously been investigated and approved by Military Government, the Security and Liaison Officer should revoke the approval in order that the Public Prosecutor's case against such person will not be prejudiced by the provisions of Article 62 of the Law. The revocation of the Military Government approval should precede the institution of charges by the Public Prosecutor, wherever possible, and should be coordinated with functional Divisions of the Land Office of Military Government (MGR 9-866.6).

Approvals granted by Military Government, including those issued by Land, EUCOM, or OMGUS Denazification Review Boards, will be considered as terminated and revoked as soon as a Spruchkammer decision has been made imposing disqualifying sanctions. The fact that the respondent has taken an appeal, or that the Berufungskammer or the Minister of Political Liberation has reversed the decision of the Spruchkammer and remanded the case for a retrial, will not be considered as restoring the force and effect of the Military Government approval under either Article 59 or Article 62 of the Law (OMGUS cable No. V-15 153, dated 5 March 1947).

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CHAPTER V

Final Provisions

ARTICLE 63

Ordinary labor within the meaning of this Law is deemed to be any activity in skilled or unskilled labor, or as employee in a position of subordinate importance, in which the employee is not active in any way in a supervisory, managerial, or organizing capacity, and does not participate in any way in hiring or discharging personnel or in any other personnel policies.

M. G. Anno:

A doctor or lawyer who performs the normal tasks incidental to his profession (e. g., in the case of doctors, examination of patients, prescribing medical treatment, performing operations; or in the case of lawyers, interviewing clients, giving legal advice, appearing in court) cannot be regarded as engaged in ordinary labor (MGR 2-140.6).

Persons who have authority to employ or dismiss others, or to supervise them, or who, by reason of their employment, have authority over the general public, such as the police, or who are engaged in employment or activities placing them in a position to mould public opinion, such as teachers, or who are engaged in professions, such as lawyers, doctors or professional engineers, cannot be considered to be engaged in ordinary labor (Regulation No. 15, MGR 24-500.115).

ARTICLE 64

The respondent cannot derive any claim for reinstatement or damages from a decision of a Tribunal declaring him to be a Lesser Offender, Follower, or exonerated person.

M. G. Anno:

Whether or not a person is to be reinstated is not a question for a Tribunal to decide. A decision of a Tribunal, which does not impose employment sanctions merely makes the respondent eligible for reinstatement. The decision as to whether a person will be reinstated rests with the employing authority which is bound to observe the following policies:

- a. The respondent must possess the positive political, liberal and moral qualities necessary to the development of genuine democratic institutions; and
- b. The reinstatement must be subject to the employment preferences and priorities in favor of persons persecuted by the Nazi regime and Anti Nazis (MGR 2-160.4).

ARTICLE 65

1. The following are punishable by imprisonment or fine:

- a. Any person who gives a false or misleading certificate or declaration or who obscures facts which are relevant to the application of this Law;
- b. Any person who after 1 June 1946 violates any prohibition of employment or who continues any activities prohibited under this Law;

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c. Any person who fails to give information required under this Law;

d. Any person who fails to perform his duty of registration;

e. Any person who, for the purposes of evading this Law or any orders made under this Law, undertakes to remove or conceal property or assist any other person in so doing.

In the cases of "a" and "e", loss of civil rights may be imposed in addition to imprisonment.

2. In other respects, the provisions of the Criminal Code remain applicable.

M. G. Anno:

Apart from the criminal provisions of Article 65, Labor Offices may assess penalties up to RM 1000 for failure to file Status Reports (Regulation No. 5, MGR 24-500.15).

Enforcement of employment restrictions will be the responsibility of German agencies, in particular the Public Prosecutor and the Labor Offices (Arbeitsämter). All violations of the Law, including falsifications of Meldebogen and disregard of employment restrictions are criminal offenses punishable in German courts. Only in exceptional cases, where Military Government interests are directly involved, will charges be prosecuted before Military Government courts under the Law (MGR 2-130.4).

Instances may occur where evidence uncovered by Military Government corruptly implicates German authorities responsible for the enforcement of the Law. In such cases it may prove necessary that the investigation be conducted by Military Government, and if need be, prosecution instituted before a Military Government court. These cases should be thoroughly prepared and relentlessly prosecuted and followed by severe and well publicized sentences in order to serve as a deterring influence on others (MGR 9-852 and 9-853).

ARTICLE 66

The Minister for Political Liberation shall issue regulations to carry out this Law.

ARTICLE 67

This Law becomes effective on 5 March 1946.

Munich, 5 March 1946

The Land Governments for:

Bavaria

Greater Hesse

Württemberg-Baden

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APPENDIX TO THE LAW FOR LIBERATION FROM NATIONAL SOCIALISM AND MILITARISM

This appendix is based on Directive No. 24 of the Control Council which is binding on the German governments and the German people. This appendix is part of this law.

PART A

(Class I and Class II)

Class I includes persons who, on the basis of rebuttable presumption, are classified as Major Offenders.

Class II includes persons who, on the basis of rebuttable presumption, are classified as Offenders (activists, militarists, and profiteers).

The presumption that a person is to be classified into Class I or Class II according to part A of the list, may be rebutted by evidence to the contrary in a procedure before the Tribunals.

The terms "Officials", "Persons", "Members" do not include the technical office staff such as typists, messengers, file clerks, drivers, and charwomen.

The term "Official" is not restricted to the sense in which the term is used in the law for government officials, but also includes public employees.

A The German Secret Service including Abwehrämter (military intelligence offices)

Class I

- (1) All executive officials of the Reichssicherheitshauptamt (RSHA or National Department of Security), its organizations and offices directly supervised by RSHA.
- (2) All officials of the Geheime Feldpolizei (GFP) down to and including the rank of Feld-Polizeidirektor.
- (3) All executive officials of the Research Office of the Reich Air Ministry.

Class II

- (1) All officers and other personnel of the RSHA, its organizations and offices directly supervised by RSHA, if not included in Class I.
- (2) All officials of the Geheime Feldpolizei who are not included in Class I.
- (3) All persons who since 30 January 1933 were engaged in foreign countries by the German Secret Service including Abwehr or any other organization or branch under the control or supervision of the German Secret Service.

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B The Security Police (Sipo)

Class I

- (1) All members of the Geheime Staatspolizei (Gestapo)
- (2) Executive officials of the Grenzpolizei-Kommissariate (Greko).
- (3) All executives of the Main Offices (Leitstellen) and Offices (Stellen) of the Criminal Police (Kriminalpolizei).

Class II *

- (1) All persons who have been members of the Grenzpolizei since 1 June 1937, if not included in Class I.
- (2) All officials of the Criminal Police down to and including the rank of the Kriminalkommissar if not included in Class I.
- (3) All executive officials of the Mail Censor Office (Brief-prüfungsstellen) if not included in Class I.

C The Ordnungspolizei (Orpo)

Class I

All officials of the following branches of police since 1935 down to and including the rank of colonel or equivalent:

- (a) Schutzpolizei (Schupo)
- (b) Gendarmerie (Gend)
- (c) Wasserschutzpolizei (SW)
- (d) Luftschutzpolizei (L. Schupo)
- (e) Technische Nothilfe (Teno)

Class II

- (1) All commissioned police officers (Schutzpolizei, Gendarmerie, Wasserschutzpolizei, Luftschutzpolizei, Technische Nothilfe, Feuerschutzpolizei, Verwaltungspolizei, Kolonialpolizei, Sonderpolizei, Hilfspolizei) who were promoted after 30 January 1933 or who, whether promoted or not, remained in office after 31 December 1937 in spite of successive purges.
- (2) All commissioned police officers who have served as such at any time in one of the territories formerly occupied by Germany in any fighting formation (Einsatzgruppe or Einsatz-kommando) or the Sipo or the SD.
- (3) All members of the Verwaltungspolizei who had been assigned to Gestapo and SD.

D The NSDAP

Class I

- (1) All office holders of the NSDAP down to and including the office of Amtsleiter of the Kreisleitung.
- (2) All members of the Corps of Political Leaders of the Party down to and including the rank of political Einsatzleiter and all members of the training staffs of the Ordensburgen, Schulungsburgen, Adolf-Hitler-Schulen and Nationalpolitische Erziehungsanstalten.
- (3) All members of the Reichstagsfraktion of the NSDAP before 30 January 1933.

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- (4) The following office holders of the Reich Food Estate (Reichsnährstand);
 - (a) all Landesbauernführer and their deputies;
 - (b) all leaders of the Hauptvereinigungen and Wirtschaftsverbände;
 - (c) all Kreisbauernführer;
 - (d) all leaders of the Landesforstämter.
- (5) Officials of the Gauwirtschaftskammern who were charged with political coordination on behalf of the Party.
- (6) Gauwirtschaftsberater.

Class II

- (1) All office holders and officials of the NSDAP (salaried and honorary posts) down to the lowest rank in the party offices (main and subordinate offices) as well as institutions and academies which were founded by the NSDAP.
- (2) All members of the Corps of Political Leaders, who are not included in Class I.
- (3) All members of the "Reichstagsfraktion" of the NSDAP who are not included in Class I.
- (4) All members of the NSDAP who joined prior to 1 May 1937.
- (5) All members of the NSDAP who after 4 years of service with the "Hitler-Jugend" and after having reached the age of 18 had been selected for admission into the Party.
- (6) All members of the NSDAP regardless of the entrance date who were members of the following organizations:
 - (a) Reichspressekammer
 - (b) Reichsrundfunkkammer
 - (c) Deutsche Akademie München
 - (d) Deutsche Christenbewegung
 - (e) Deutsche Glaubensbewegung
 - (f) Institut zur Erforschung der Judenfrage
 - (g) Kameradschaft USA
 - (h) Osteuropäisches Institut (since 1935)
 - (i) Staatsakademie für Rassen- und Gesundheitspflege.
- (7) All regular officers of the Wehrmacht who became members of the NSDAP including such officers who were members of the NSDAP before entering the Wehrmacht but who did not thereafter sever their connections with the NSDAP.
- (8) All executive officials of the Reich Food Estate (Reichsnährstand) who are not included in Class I, and executives of its "Regierungsforstämter".

E The Organizations of the NSDAP

Class I

- (1) The Waffen-SS — All officers down to and including the rank of Sturmbannführer (Major), all members of the Totenkopfverbände and all SS-Helferinnen and SS-Kriegshelferinnen in Konzentrationslagern (SS women auxiliaries and SS women auxiliaries of war in concentration camps).

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- (2) Allgemeine SS — All officers down to and including the rank of Untersturmführer.
- (3) SA — All officers down to and including the rank of Sturmbannführer.
- (4) HJ — All officers down to and including the rank of Bannführer and equivalents in the BDM and all members of the "Schnellkommandos" (HJ-Streifendienst) under the control of the SS, who were born prior to 1 January 1919.
- (5) NSKK — All officers down to and including the rank of Standartenführer.
- (6) NSFK — All officers down to and including the rank of Standartenführer.
- (7) NS-Deutscher Studentenbund — All executive office holders of the Reichsstudentenführung and the Gaustudentenführungen.
- (8) NS-Dozentenbund — All executive office holders at Reich and Gau levels.
- (9) NS-Frauenschaft — All executive office holders at Reich and Gau levels.

Class II

- (1) Waffen-SS — All members not included in Class I (except those who were conscripted into this organization unless they were promoted to Unteroffizier after their induction); the personnel of the concentration camps insofar as they are not included in Class I.
- (2) Allgemeine SS and its other Organizations — All members not included in Class I, including sponsoring members (fördernde Mitglieder) who joined as such after 31 December 1938, or who in case of prior joining paid fees of more than RM 10,— per month or who made any other substantial contribution to the SS.
- (3) SA — All officers down to and including the rank of Unteroffizier insofar as they have served in the SA in this capacity, if not included in Class I, as well as members who joined the SA before 1 April 1933.
- (4) HJ and BDM — All officers not included in Class I down to and including confirmed full-time non-commissioned officers. All officers in the HJ and the Deutsche Jungvolk in the field of education and information and all members of the "Schnellkommandos" (HJ-Streifendienst) under the control of the SS, who were born after 1 January 1919.
- (5) NSKK — All officers down to and including the rank of Sturmführer, if not included in Class I.
- (6) NSFK — All officers down to and including the rank of Sturmführer, if not included in Class I.
- (7) NS-Deutscher Studentenbund — All office holders, if not included in Class I.
- (8) NS-Dozentenbund — All office holders, if not included in Class I.
- (9) NS-Frauenschaft — All office holders down to and including Block-Frauenschaftsleiterin, if not included in Class I.

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F Affiliated Organizations of the NSDAP

Class I

- (1) Deutsche Arbeitsfront
 - (a) All executive officials of the DAF in the Central Office of the DAF.
 - (b) All executive officials of the DAF in the Kriegshauptarbeitsgebieten I, II, III and IV.
 - (c) All members of the Oberster Ehren- und Disziplinarhof.
 - (d) All executive officials of the DAF-Gauwaltung Auslandorganisation.
- (2) NS-Volkswohlfahrt — All executive office holders down to and including the Department Heads at Reich level.
- (3) NS-Kriegsopfersversorgung — All office holders down to and including the Department Heads at Reich level.
- (4) NS-Bund Deutscher Technik — All office holders down to and including the Department Heads at Reich level.
- (5) Reichsbund der Deutschen Beamten — All office holders down to and including the Department Heads at Reich and Gau levels.
- (6) NS-Deutscher Arztekurator — All office holders down to and including the Department Heads at Reich and Gau levels.
- (7) NS-Lehrerbund — All office holders down to and including Department Heads at Reich and Gau levels.
- (8) NS-Rechtswahrerbund — All office holders down to and including Department Heads at Reich and Gau levels.

Class II

- (1) Deutsche Arbeitsfront including "Kraft durch Freude".
 - (a) All office holders not included in Class I.
 - (b) All executive office holders of the Arbeitswissenschaftliches Institut.
 - (c) All Betriebsobmänner, Betriebswarte and Betriebswalter in enterprises of the DAF.
- (2) NS-Volkswohlfahrt — All office holders not included in Class I.
- (3) NS-Kriegsopfersversorgung — All office holders not included in Class I.
- (4) NS-Bund Deutscher Technik — All office holders not included in Class I.
- (5) Reichsbund der Deutschen Beamten — All office holders not included in Class I.
- (6) NS-Deutscher Arztekurator — All office holders not included in Class I.
- (7) Reichsbund Deutscher Schwestern — NS-Schwestern (brown nurses). All office holders.
- (8) NS-Lehrerbund — All office holders not included in Class I.
- (9) NS-Rechtswahrerbund — All office holders not included in Class I.

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G Supervised Organizations of the NSDAP

Class I

- (1) NS-Altherrenbund — All members of the Führerkreis down to Gau level.
- (2) Reichsbund Deutscher Familie — All executive office holders at Reich level.
- (3) Deutscher Gemeindetag — Executive office holders of the Deutscher Gemeindetag.
- (4) NS-Reichsbund für Leibesübungen — Reichssportführer and all Sportbereichsführer.

Class II

- (1) NS-Altherrenbund — All office holders not included in Class I.
- (2) Reichsbund Deutscher Familie — All office holders not included in Class I.
- (3) Deutscher Gemeindetag — All office holders not included in Class I.
- (4) NS-Reichsbund für Leibesübungen — All office holders not included in Class I.
- (5) All office holders of the following organizations:
 - (a) Deutsches Frauenwerk
 - (b) Deutsche Studentenschaft
 - (c) Deutscher Dozentenbund
 - (d) Reichsdozentenschaft
 - (e) Deutsche Jägerschaft.

H Other Nazi Organizations

Class I

- (1) Reichsarbeitsdienst (RAD) — All officers down to and including the rank of Oberstarbeitsführer as far as men are concerned, and down to and including the rank of Stabsoberführerin as far as women are concerned.
- (2) Reichskolonialbund — All executive officials of the Colonial Political Office in the Reichsleitung of the NSDAP.
- (3) Volksbund für das Deutschtum im Ausland (VDA) — All officials in Reich and Gau-Offices since 1935 within Germany and all Volksgruppenführer and Landesgruppenführer outside Germany.
- (4) NS-Reichskriegerbund (Kyffhäuserbund) — All officials down to and including the Gaukriegerführer.
- (5) Reichskultkammer — All presidents, vice-presidents and managers. All members of the Reichskulturrat of the Reichskultursenat and Präsidialräte.
- (6) Deutscher Fichtebund — All executive officials.
- (7) Reichssicherheitsdienst — All officials down to and including the rank of Dienststellenleiter.

Class II

- (1) Reichsarbeitsdienst (RAD) — All officers down to and including the rank of "Feldmeister" of the male unit and "Maidenführer" of the female unit insofar as they are not included in Class I.

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- (2) Reichskolonialbund — All office holders since 1 January 1935 if not included in Class I.
- (3) Volksbund für das Deutschtum im Ausland — All office holders appointed since January 1, 1935 if not included in Class I.
- (4) NS-Reichskriegerbund (Kyffhäuserbund) — All executive officials down to and including the Kreis level.
- (5) Reichskultkammern etc. and subordinate offices and branches (Reichsschrifttumskammern, Reichspressekammer, Reichsrundfunkkammer). All office holders if not included in Class I.
- (6) Deutscher Fichtebund — All members if not included in Class I.
- (7) Reichssicherheitsdienst — All members if not included in Class I.
- (8) All office holders of the following institutes:
Institut zur Erforschung der Judenfrage
Weltdienst
Deutsche Akademie München
Staatsakademie für Rassen- und Gesundheitspflege
Amerika-Institute
Osteuropäisches Institut
Ibero-Amerikanisches Institut
Deutsches Auslands-Institut

I The Nazi Party Decorations

Class I

- (1) NS-Blutorden — (Of 9 November 1923) — All holders.
- (2) Badge of honor for members under Number 100 000 (Golden Party Badge) — All holders.
- (3) NSDAP-Service-Medals — All holders of Class I (25 years of service).

Class II

- (1) Coburg Badge — All holders.
- (2) Nürnberg Party Meeting Badge of 1929 — All holders.
- (3) Badge of the SA-Meeting Braunschweig of 1931 — All holders.
- (4) Golden HJ Badge (Golden Hitler Youth Badge) — All holders.
- (5) NSDAP Service Medals — All holders if not included in Class I.
- (6) Gau-Ehrenzeichen of the NSDAP (The tradition Gau Badges) — All holders.

K Government Officials

Note: The classification indicated applies only to those persons who were appointed to any of the positions listed after 30 January 1933 or who were incumbents in such positions on that date who survived the successive Nazi purges which followed.

Class I

- (1) All political officials including Reichsminister, Staatsminister, Staatssekretäre, Reichsstatthalter and Oberpräsidenten and officials, leaders, deputies or commissioners of a corresponding rank.

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- (2) All former German ambassadors since 30 January 1933.
- (3) All officials down to and including the rank of Ministerialdirektor in Reich offices or of an equally high rank in Government offices which existed before 30 January 1933: all officials down to and including Ministerialrat in Reich or Government offices which were created after 30 January 1933 for the fulfilment of new tasks and also in those which had been established in countries and territories formerly occupied or ruled by Germany.
- (4) All officials who occupied one of the following positions since 1934.
 - (a) Reichsbevollmächtigter, Sonderbevollmächtigter
 - (b) Reichskommissar
 - (c) Generalkommissar
 - (d) Generalinspekteur
 - (e) Beauftragter and Wehrkreisbeauftragter
 - (f) Reichstreuhand der Arbeit, Sondertreuhand der Arbeit
 - (g) Generalreferenten

Class II

- (1) All officials of the Foreign Office (Embassies, Legations, General Consulates, Consulates and Missions) in the rank of a Ministerialrat or in the position of an attaché.
- (2) All officials in higher positions who had been promoted to such offices otherwise than by normal advancement after 1 April 1933, and without having professional qualifications.
- (3) All officials who occupied the following positions since 1934:
 - (a) Bevollmächtigter
 - (b) Inspekteur
 - (c) Trustees of Labor and of other fields and their deputies
 - (d) Kommissar
 - (e) Deputies of the holders of titles and positions included in Class I
 - (f) Reichseinsatzingenieure, Arbeitseinsatzingenieure
 - (g) Obmann including Rüstungsobmann.
- (4) All members of the German Reichstag or of the Prussian Staatsrat since 1 January 1934.
- (5) All officials of the Reichsministerium for public information and propaganda and executives of its regional offices and auxiliary offices down to and including Kreis level, as well as all employees of Nazi offices who participated in political propaganda in word or script.
- (6) The officials in the Höhere Dienst of the Reichsministerium for Armament and War Production, Kirchenministerium, the Gauwohnungskommissare and their deputies.
- (7) Oberfinanzpräsidenten.
- (8) Regierungspräsidenten, Landräte and Bürgermeister.

L The German Armed Forces and Militarists

Class I

- (1) NS-Führungsoffiziere — All full-time NS-Führungsoffiziere down to and including division in the OKW, OKH, OKM, and OKL.

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- (2) General Staff Officers — All officers of the German General Staff who since 4 February 1938 belonged to the Wehrmachtbefehlshabersstab of the OKW, OKH, OKM or OKL.
- (3) Heads and Deputy Heads of Military and Civil Administration of countries and territories formerly occupied by Germany.
- (4) All former officers of the Freikorps "Schwarze Reichswehr".

Class II

- (1) NS-Führungssoffiziere — All regular officers regardless of whether they were professional or reserve officers, not included in Class I.
- (2) General Staff Officers — All officers serving as General Staff Officers since 4 February 1938 not included in Class I.
- (3) All military and civilian officials with special authority, including heads and deputies of any functional or regional divisions in the military or civil administration of occupied countries and territories, as well as executive officials of RUK (armament and war production) except those included in Class I.
- (4) All officials of the Raw Material Trade Association (Rohstoffhandelsgesellschaft).
- (5) Military Commanders and their deputies in cities and townships.
- (6) Die Wehrmacht — All regular officers of the Deutsche Wehrmacht including the rank of Generalmajor or equivalent rank, provided they were promoted to this rank after 1 June 1936, and all Wehrmacht officials down to the professional rank of Oberst.
- (7) Organisation Todt (OT), Transportgruppe Speer — All officers down to and including the rank of "Einsatzleiter".
- (8) All members of the training staffs and executive officials of the war academies and Kadettenanstalten.
- (9) All professors, speakers and authors in the field of military science since 1933.
- (10) All members of the Schwarze Reichswehr and all members of the Freikorps who became members of the NSDAP insofar as they are not included in Class I.

M Private Business and Professions

Class I

- (1) Wehrwirtschaftsführer — All "Wehrwirtschaftsführer" who were appointed after 1 January 1942.
- (2) Wirtschaftskammern (Economic Chambers) — All executives and deputy executives of Reich and Gauwirtschaftskammern.
- (3) Reichsgruppen der Gewerblichen Wirtschaft (Reich Groups of Trade and Industry) — All chairmen, presidents and deputy executives.
- (4) Reichsverkehrsgruppen (Reich Traffic Groups) — All chairmen, presidents and deputy executives.
- (5) Wirtschaftsgruppen (Economic Groups) — All chairmen, presidents and deputy executives at Reich level.

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- (6) Reichsvereinigung (Reich Associations — All chairmen, presidents and deputy executives.
- (7) Werberat der Deutschen Wirtschaft (Advertising Council of German Economy) — All presidents and managing directors.
- (8) Reichskommissare (Reich Commissioners) — All those responsible for raw material and industrial supply.

Class II

- (1) Wehrwirtschaftsführer — All Wehrwirtschaftsführer not included in Class I who were appointed by the Ministry of Economics.
- (2) Wirtschaftskammern — All executive officials of Economic Chambers not included in Class I.
- (3) Reichsgruppen der gewerblichen Wirtschaft — All executive officials of the groups, main committees, special committees, main rings and special rings.
- (4) Reichsverkehrsgruppen — All executive officials of Transportation Groups.
- (5) Wirtschaftsgruppen — All executive officials of Economic Groups.
- (6) Reichsvereinigungen (Reich Associations) — All executive officials of the Reichsvereinigungen, including department heads and chairmen, deputies, managers of the main committees, special committees, main rings and special rings.
- (7) Werberat der Deutschen Wirtschaft (Advertising Council of German Economy) — All executive officials not included in Class I.
- (8) Policy making officials of the Reich Allocation Offices (Reichsstellen) and subordinate allocation offices (Bewirtschaftungsstellen).
- (9) Business enterprises including financial institutions in which the Reich, the NSDAP, or any of its formations or affiliated organizations had at any time since 1 April 1933 an interest representing actual or working control — All presidents, members of the boards of supervisors or directors, managing directors and managers.
- (10) I. Private enterprises in industry, trade, commerce, handicraft, agriculture and forestry, banking, insurance, transportation, etc.:
Enterprises which because of capital invested, the number of their employees, the kind of production, or for any other reason are, of themselves, important and essential;
All proprietors, owners and leaseholders, partners, including shareholders holding a share of more than 25%, chairmen of the executive or supervisory boards, or other persons having a decisive influence on the management, in so far as such persons were members of the NSDAP or of any of its formations, or, without having been members, owed their position to their connections with the NSDAP.
II. Non-profit enterprises and charitable institutions:
Enterprises which are of great importance because of their size or activity:

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All executives, business managers, members of boards of directors and of boards of supervisors, advisers and other persons who have a decisive influence on the business management or perform any supervisory function, in so far as they were members of the NSDAP or of any of its formations, or without having been members, owed their position to their connections with the NSDAP.

- III. Professions (Physicians, lawyers, pharmacists, architects, engineers, artists, authors, journalists, and so on):
- (a) All executives, members of boards of directors, business managers, executive employees and Directors, of professional chambers including the courts of honor, and all counsellors admitted to practice before the Party courts, SA or SS courts.
 - (b) Other members of professions who by reason of their membership in the NSDAP or of any of its formations derived special advantages.

N Jurists

Class I

- (1) President and Vice-President of the Academy of German Law;
- (2) Commanders and all full time executives of the Gemeinschaftslager Hanns Kerrl;
- (3) All judges, the Oberreichsanwalt and all public prosecutors as well as the office manager of the Volksgerichtshof;
- (4) All judges, public prosecutors and officials of the Party, SS and SA courts;
- (5) President and Vice-President of the Reichsjustizprüfungsamt;
- (6) Presidents of the:
 - (a) Reichsgericht
 - (b) Reichsarbeitsgericht
 - (c) Reichserbhofgericht
 - (d) Reichserbgesundheitsgericht
 - (e) Reichsfinanzhof
 - (f) Reichsverwaltungsgericht
 - (g) Reichsehrengerichtshof
 - (h) Reichsrechtsanwaltskammer
 - (i) Reichsnotarkammer
 - (j) Reichspatentanwaltskammer
 - (k) Reichskammer der Wirtschaftsprüfer
- (7) Presidents of the Oberlandesgerichte who are appointed after 31 December 1938.
- (8) Oberreichsanwälte, Reichsanwälte and Generalstaatsanwälte of the Oberlandesgerichte appointed after 31 March 1933.
- (9) Vice-Presidents of the:
 - (a) Reichsarbeitsgericht
 - (b) Reichserbhofgericht
 - (c) Reichserbgesundheitsgericht
 - (d) Reichsverwaltungsgericht.
- (10) Chairmen:
 - (a) of the Sondersenat of the Reichsgericht
 - (b) Personalreferenten of the Reichsjustizministerium.

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Class II

- (1) Managers and Treasurers of the Akademie für Deutsches Recht (Academy for German Law).
- (2) Chairmen, other regular judges and the regular executives of the public prosecutors offices of special courts.
- (3) Chairmen, judges and public prosecutors of the martial courts (Standgerichte).
- (4) Presidents and Vice-Presidents:
 - (a) of the Reichspatentamt.
 - (b) of the Reichsversicherungsamt and the Reichsversorgungsgericht
 - (c) of the Landeserbhofgericht in Celle.
- (5) Vice-Presidents and Senatspresidents of the Reichsgericht who were appointed after 31 December 1938, and regular members of the Oberster Dienststrafsenat of the Reichsgericht.
- (6) Vice-Presidents:
 - (a) of the Reichserbgesundheitsgericht
 - (b) of the Reichsfinanzhof
 - (c) of the Reichsrechtsanwaltkammer
 - (d) of the Reichsnotarkammer
 - (e) of the Reichspatentanwaltkammer
 - (f) of the Reichskammer für Wirtschaftsprüfer, and all regular members of the Oberste Ehrengerichtshöfe for lawyers, patent attorneys, notaries and Wirtschaftsprüfer.
- (7) Presidents of the Oberlandesgerichte and Generalstaatsanwälte if not included in Class I and Vice-Presidents of the Oberlandesgerichte.
- (8) Presidents of the Dienststrafkammer for judicial officials.
- (9) Presidents of the Landgerichte.
- (10) Oberstaatsanwälte of the Landgerichte.
- (11) Personalreferenten of the courts.
- (12) Full-time executives and regular members of the Prüfungsstellen of the Reichsjustizprüfungsamt.
- (13) President of the Rechtsanwaltkammer, Notarkammer and Patentanwaltkammern in the districts of the Oberlandesgerichte.
- (14) Presidents and Vice-Presidents:
 - (a) of the Fideikommissgericht
 - (b) of the Schiffahrtsobergericht
 - (c) of the Oberprisenhof.
- (15) Presidents and Vice-Presidents and regular members of the Courts of Honor of the free professions at Reich and Gau level.

O Other Groups of Persons

Class I

- (1) War Criminals
- (2) All persons who have denounced opponents of National Socialism or who have in any way contributed to their arrest or who have induced or used force against political or religious opponents of the National Socialist tyranny.

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- (3) Commissioned officers of Stosstrups and Werkscharen within business establishments.
- (4) Rectors of universities and chairmen of the board of curators, heads of teachers' training colleges and heads of institutions of university level since 1934 insofar as they have been members of the NSDAP or its formations and all such persons appointed since 1938 irrespective of Party affiliation.

Class II

- (1) NCO's of Stosstrups and Werkscharen within business establishments.
- (2) Persons who held the office of Vertrauenslehrer, or Jugendlehrer or Jugendwalter in any type of school.
- (3) Rectors of universities and chairmen of the board of curators, heads of teachers' training colleges and heads of institutions of university level appointed since 1934 if not included in Class I.
- (4) All other persons who have propagated the National Socialist or Fascistic "world philosophy".
- (5) Persons who after 1 April 1933, have applied for or adopted German nationality or acquired same in a way other than by annexation laws or by marriage or adoption.
- (6) Non-Germans who were members or applicants of the NSDAP or of any of its formations.
- (7) Persons who have been dismissed or excluded from employment outside the Land as politically unreliable.

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PART B

Group of persons who need careful special investigation. This group includes the following persons if not included in PART A:

- (1) Applicants for membership in the SS or its formations;
- (2) Members of SA after 1 April 1933;
- (3) Members of HJ or BDM prior to 25 March 1939;
- (4) NCO's of RAD of a rank below Feldmeister or Maiden-führerin;
- (5) Members of NSDAP after 1 May 1937 and all applicants for membership in the NSDAP;
- (6) Persons who were officials in the field of education or press who received extraordinarily rapid promotion after 1 May 1933;
- (7) Persons who have profited by acceptance or transfer of property incidental to the spoliation of formerly occupied territories, "Aryanizing" or confiscation of property on political, religious or racial grounds;
- (8) Persons who have been employed in policy making or executive positions in the military or civilian administration of formerly occupied areas;
- (9) Persons who have made substantial contributions to the Party;
- (10) Members of political parties or organizations in Germany which supported the seizure of power by the NSDAP, such as the Tannenbergbund, Altdutscher Verband;
- (11) Leading officials of the German Red Cross, particularly those who were appointed after 1 January 1933;
- (12) Members of the Deutsche Christenbewegung and Deutsche Glaubensbewegung;
- (13) Members of NSKK, NSFK, NSDStB, NSDoB and NSF;
- (14) Holders of the Spanish Cross, of the Austrian, the Sudetendeutsche and the Memel Commemoration Medal, of the Danzig Cross, of the SA-Wehrsportabzeichen, of the Merit Medal of RAD;
- (15) Parents or guardians who expressed consent for the education of their children in Nationalpolitische Erziehungsanstalten, Adolf-Hitler-Schulen and Ordensschulen;
- (16) Persons who gained financial advantages through the NSDAP;
- (17) Persons who due to National Socialistic influence escaped military service or active combat duty;
- (18) Employees of important enterprises in trade industry, agriculture or finance with the title Generaldirektor, Direktor, President, Vice-President, Geschäftsführer, Betriebsleiter, and all members of the Board of Directors, the chairman and deputy chairmen of the Board of Supervisors, Chief Engineers and Oberingenieure in so far as they were policy-making technical personnel, and all persons with power to hire and fire employees.

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ANNEX K

ALLIED CONTROL AUTHORITY CONTROL COUNCIL

DIRECTIVE NO. 24

Removal from Office and from Positions of Responsibility of Nazis and of Persons Hostile to Allied Purposes

The Control Council directs as follows:

1. Object

The Tripartite Conference of Berlin included among the purposes of the occupation of Germany: the removal from public and semi-public office and from positions of responsibility in important private undertakings of all members of the Nazi Party who have been more than nominal participants in its activities, and all other persons hostile to Allied purposes. Such persons shall be replaced by persons who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany.

2. Definitions

a) Persons are to be treated as "more than nominal participants in Party Activities" and as "hostile to Allied purposes" when they have:

- I. held office and otherwise been active at any level from local to national in the Party and its subordinate organizations or in organizations which further militaristic doctrines.
- II. authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations,
- III. been avowed believers in Nazism or racial and militaristic creeds, or
- IV. voluntarily given substantial moral or material support or political assistance of any kind to the Nazi Party or Nazi officials and leaders.

b) The term "public office" shall include all officials, civil servants or employees in governmental and municipal service, and members of governing bodies of political parties, trade unions and other public organizations excepting employment of such minor importance that the incumbent or appointee is not placed in a position to endanger Allied interests or commit acts hostile to Allied principles and purposes by reason of this employment. The effect of this definition is to require as a minimum the investigation of all persons in public employment above that of ordinary labor. By ordinary labor is meant work or service, whether skilled, unskilled, or clerical, in an inferior position in which the worker does not act in any supervisory, managerial or organizing capacity whatsoever, or participate in hiring or discharging others, or in setting employment or other policies.

c) The term "semi-public office" and "positions of responsibility in important private undertakings" shall include policy-making or executive positions and personnel officers in:

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- I. civic, economic and labor organizations,
- II. corporations and other organizations in which the German Government, or its subdivisions, had a major financial interest,
- III. important industrial, commercial, agricultural and financial institutions, and
- IV. the Press, publishing houses and other agencies disseminating news and propaganda.

In the field of private and parochial education, the term shall include teachers as well as policy-making or executive officials in such institutions.

d) The terms "important industrial, commercial, agricultural and financial institutions" shall include all such institutions directly supervised, utilized or controlled by Military Government and all industrial, mining, public utility, and commercial enterprises, combines and cartels which, by virtue of their capitalization, number of employees, type of products produced or services rendered, are important factors in the German economy or in the economy of the region or community in which they operate.

It is most important to carry out the denazification of industry with the utmost vigor, and the smallness of the enterprise shall be no reason for failure to denazify.

In the discretion of occupational authorities, the removal and exclusion of Nazis and militarists from less important industrial, commercial, agricultural and financial establishments, business, retail shops, occupations, professional practices and licensed trades is authorized.

e) The term "removal" as used herein shall mean to discharge the person forthwith and summarily and to terminate his influence and direct or indirect participation in the organization or concern with which he was associated. In the case of a profession or trade, the term "removal" shall mean to disqualify and restrict the individual from practising the profession or trade in other than a private capacity in which he does not act in any supervisory, managerial, or organizing capacity whatsoever or participate in hiring or discharging others or in setting employment or other policies.

f) The names of persons removed and the reasons for their removal will be passed at the appropriate level to Property Control Officers (or corresponding Military Government authorities), who will take action in accordance with pertinent Military Government laws and orders, to effect the immediate blocking and control of their property.

Persons removed from public office will not be entitled to the benefit of any pension or other civil service rights.

3. Scope

The term "removal" in the passage of the Potsdam Declaration here quoted is to be understood to include "exclusion".

The standards to be applied and instructions for action are, therefore, to be considered to refer to the exclusion of Nazis and of other persons hostile to Allied purposes from office and from positions of responsibility no less than to their removal from such office and positions.

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4. Responsibility

The removal and exclusion of Nazis and of other persons hostile to Allied purposes is the general responsibility of the Division or Branch employing the persons concerned or considering them for employment, acting on the advice and with the assistance of Public Safety. The view of Public Safety, recorded after consultation with C. I., shall be decisive and shall override considerations of administrative expediency, convenience or even necessity.

5. Review of cases

If it is felt that a mistake has been made in the application of this directive by the removal or exclusion from office of a particular individual, review of his case may be requested by the Branch or Division concerned, and the latter may submit the case for further consideration to the Military Government, acting in consultation with Public Safety, to C.I., at Zonal H.Q.; in the case of Greater Berlin Area, to the Kommandatura; and in the case of the staffs and employees of Central Agencies, to the Control Council.

When there is positive evidence, supported by investigation, that an individual is not more than a nominal Nazi and is not a militarist and is not hostile to the Allied Cause, he may be retained in office in spite of the mandatory clauses contained in this directive.

6. Discretionary removal and exclusion

Between those whose removal and exclusion from office and positions of responsibility is laid down as compulsory in paragraph 10 below and those who have not participated at all in any Nazi activity, there is a mass of Germans, the extent and quality of whose association and participation, as well as their past and present motives, are in doubt and require careful investigation.

Discretion to employ such people or to leave them in occupation of their office or position of importance is left to Divisions and Branches acting under the advice of Public Safety, to be recorded after consultation with C.I. The retention of persons in discretionary categories shall be based only on the non-availability of other suitable personnel and will continue only until other suitable personnel will become available. Points for guidance in assessing the respective reliability of such discretionary cases are given in para. 11 below.

7. Further review of cases retained or newly appointed

All retentions of Germans in office or in positions of importance as well as new appointments shall be regarded as provisional only and subject to future review.

This particularly applies to discretionary cases retained in employment. These shall be subject to further scrutiny once the original vetting of serving officials and candidates for new employment have been completed, both in the light of such new records as may have become available and of the individual's attitude and conduct since his retention or appointment.

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Even officials whom Military Government may have newly appointed because their freedom from Nazi-ideology or hostility to the Nazi regime had been established cannot therefore be regarded as necessarily in sympathy with a continued Allied occupation or its purpose.

Responsibility for such further inquiry rests upon all Divisions and Branches as well as upon Public Safety and C.I.

8.

a) The terms of this directive are subject to immediate implementation so far as any Central German Administration is concerned.

b) In the Zones, in view of the urgent necessity for producing rapidly and in maximum quantities such commodities as food, fuel and building material which are required, not only for German economy, but also for that of other European countries, Zone commanders may postpone the immediate removal of an individual providing:

- I. the temporary retention of the individual is, in the opinion of the Zone Commander, essential, and
- II. that the individual was not an important member of the Nazi Party and played no more than a nominal part in its activities and is not hostile to the Allied purposes, and that
- III. the individual is removed as soon as practical.

c) Individuals retained under sub para. b) above will only be so retained for their specialist knowledge. In no case will an individual be retained who has been appointed to the position he holds purely for political (Nazi Party) reasons.

9.

Persons removed from public and semi-public office, or from the governing bodies of political parties, trade unions and other public organizations, or from positions of responsibility in important private undertakings, as defined in the provisions of para. 2 of this directive, pursuant to the policies enumerated in this directive, will not be employed in any other Zone of Occupation in any such positions as defined in the provisions of para. 2 of this directive, except in cases of revision requested under para 5 above.

General and statistical information on denazification in the various zones shall be presented to the Control Council semi-annually, the first report to cover the period to 1 July 1946. These reports shall be submitted within 30 days following semi-annual periods.

10. Compulsory removal and exclusion categories

1. War criminals i. e. individuals on the War Crimes List of the United Nations War Crimes Commission, on any special C.I. List, or suspected War Criminals.
2. The NSDAP.
 - a) All persons who at any time have been officials or officers of the NSDAP, or who have at any time occupied any post or authority in the NSDAP, from local NSDAP units to the National Headquarters.

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- b) All members of the NSDAP who joined the party or were accepted for membership before compulsory membership in the party was instituted in 1937, or who have otherwise been more than nominal participants in activities of the NSDAP.
 - c) All members of the NSDAP who were selected and transferred to the Party after 4 years service in the Hitler Jugend and upon attaining the age of 18.
3. Reference sub para. 2 (a) above, in particular individuals who have at any time been officials of the Party Organizations named below:
- I. Party Chancery (Partei-Kanzlei) (including Hauptarchiv der NSDAP)
 - II. Fuehrer's Chancery (Kanzlei des Führers der NSDAP)
 - III. National Socialist Organization of Germans Abroad (Auslandsorganisation NSDAP)
 - IV. Offices in Germany of National Union of German Elements Abroad (Volksbund für das Deutschtum im Ausland)
 - V. Party Scrutiny Commission for the Protection of National Socialist Literature (Parteiamtliche Prüfungskommission zum Schutze des nationalsozialistischen Schrifttums)
 - VI. Office of the Reich Treasurer of the Party (Reichsschatzmeister der NSDAP)
 - VII. Office of the Reich Organization Leader (Reichsorganisationsleiter der NSDAP)
 - VIII. Office of the Fuehrers Commissioner for the Supervision of the Whole Intellectual and Ideological Training and Education of the Party (Beauftragter des Führers für die Überwachung der gesamten geistigen und weltanschaulichen Schulung und Erziehung der NSDAP)
 - IX. Office of the Reich Propaganda Leader of the Party (Reichspropagandaleiter der NSDAP)
 - X. Office of the Reich Leader for the Press (Reichsleiter für die Presse) together with the publishing houses such as the Zentralverlag der NSDAP (formerly the Franz Eher Verlag) owned by the Party and controlled by it.
 - XI. Office of the Reich Press Chief of the Party (Reichspressechef der NSDAP)
 - XII. Head Office for Public Health (Hauptamt für Volksgesundheit)
 - XIII. Head Office for Public Welfare (Hauptamt für Volkswohlfahrt)
 - XIV. Reich Office for the Agrarian Population (Reichsamt für das Landvolk)
 - XV. Head Office for Technology (Hauptamt für Technik)
 - XVI. Head Office for Teachers and Educational Personnel (Hauptamt für Erzieher)
 - XVII. Head Office for Local Government (Hauptamt für Kommunalpolitik)

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- XVIII. Head Office for Officials (Hauptamt für Beamte)
- XIX. Head Office for all German Folkdom Questions (Hauptamt für alle Volkstumsfragen)
- XX. Racial-Political Office of the Party (Rassenpolitisches Amt der NSDAP)
- XXI. Office of Genealogical Research (Amt für Sippenforschung)
- XXII. Colonial Office of the Party (Kolonialpolitisches Amt der NSDAP)
- XXIII. Foreign Office of the Party (Außenpolitisches Amt der NSDAP)
- XXIV. Reichstag Delegation of the NSDAP (Reichstagsfraktion der NSDAP)
- XXV. Reich Women's Leadership (Reichsfrauenschaft)
- XXVI. Head Office for War Victims (Hauptamt für Kriegsopfer)
- XXVII. Reich Youth Administration (Reichsjugendführung)
- XXVIII. Reich Legal Office for the Party (Reichsrechtsamt)
- XXIX. Reich Leadership of German Students (Reichsstudentenführung)

Formations of the NSDAP:

- 4. The Schutzstaffel (SS): Officers and NCOs of the Waffen SS and all members of the other branches of the SS.
- 5. The Sturmabteilungen (SA): Officers and NCOs of the SA at any time and all members who joined the SA prior to 1 April 1933.
- 6. Hitler-Jugend (HJ) (including the Bund deutscher Mädel): Officers and NCOs of the Hitler-Jugend and of the Deutsches Jungvolk at any time.
With respect to positions in the field of Education and Information Services — all leaders at any time of the Hitler-Jugend and the Deutsches Jungvolk.
- 7. NSD Studentenbund (NSDStB): Officers at any time of this formation.
- 8. NS Dozentenbund (NSDoB): Officers at any time of this formation.
- 9. NS Frauenschaft (NSF): Officers at any time of this formation.
- 10. NS Kraftfahrerkorps (NSKK): Officers at any time of this organization.
- 11. NS Fliegerkorps (NSFK): Officers at any time of this organization.

Affiliated Organizations:

- All officials at any time of the following organizations:
- 12. Reichsbund der Deutschen Beamten (Civil Servants' Organization).
 - 13. Deutsche Arbeitsfront (DAF) (German Labor Front), including Gemeinschaft "Kraft durch Freude". The following DAF factory officials will also be removed: Betriebsobmann, Betriebswart, and Betriebswalter.
 - 14. NS Volkswohlfahrt (NSV) (Welfare Organization), including NS Reichsbund der Deutschen Schwestern.

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15. NS Kriegsopferversorgung (NSKOV) (War Victims' Organization).
16. NS Bund Deutscher Technik (NSBDT) (Technicians' Organization).
17. NS Deutscher Ärztebund (NSDÄB) (Doctors' Organization).
18. NS Lehrerbund (NSLB) (Teachers' Organization).
19. NS Rechtswahrerbund (NSRB) (Lawyers' Organization).

Supervised Organizations:

- All officials at any time of the following organizations:
20. Deutsches Frauenwerk (Women's Organization).
 21. Reichsbund Deutscher Familie (League of the German Family).
 22. NS Reichsbund für Leibesübungen (Physical Training Organization).
 23. NS Altherrenbund (Old Students' Association).
 24. Deutsche Studentenschaft (German Students' Organization).
 25. Deutscher Dozentenbund (Association of German University Professors and Lecturers).
 26. Reichs-Dozentenschaft (Reich organization of German University Professors and Lecturers).
 27. Deutscher Gemeindetag (Association of Communes).

Other Nazified Organizations:

28. Reichsarbeitsdienst (RAD) (Labor Service): Officers at any time down to and including the ranks of Feldmeister (men) and Maidenträgerin (women).
- All officials at any time of the following:
29. Volksbund für das Deutschtum im Ausland (VDA) (Association of Germans Abroad).
 30. Reichskolonialbund (Colonial League).
 31. Reichsluftschutzbund (A.R.P. League).
 32. Deutsche Jägerschaft (Hunters' League).
 33. Reichskulturkammer and subsidiary bodies (Reichsschrifttumskammer, Reichspressekammer, Reichsrundfunkkammer, etc.) (Reich Chamber of Culture).
 34. Institut zur Erforschung der Judenfrage (Institute for the Investigation of the Jewish Question).
 35. Kameradschaft USA (Comrades' League USA).
 36. Ibero-Amerikanisches Institut (Iber-American Institute).
 37. Weltdienst.
 38. Deutscher Fichte-Bund (Fichte Association).
 39. Deutsches Auslandsinstitut (DAI).
 40. Staatsakademie für Rassen- und Gesundheitspflege (Academy for Race and Health Culture).
 41. Deutsche Akademie, Munich.
 42. Osteuropäisches Institut (East European institute).
 43. Amerikan-Institut.
 44. Werberat der deutschen Wirtschaft (Publicity Council of German Economy).

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Nazi Honors:

Recipients of the following Party Decorations:

45. National Socialist Order of Blood of 9th November 1923 (Nationalsozialistischer Blutorden vom 9. November 1923).
46. Insignia of Honor for the first 100 000 members (Ehrenzeichen für Mitglieder unter Nr. 100 000).
47. Coburg Badge (Coburger Abzeichen).
48. Nueremberg Party Convention badge of 1929 (Nürnberger Parteitagsabzeichen von 1929).
49. Badge of the SA Convention at Braunschweig of 1931 (Abzeichen vom SA-Treffen Braunschweig 1931).
50. Gold Hitler Youth Badge (Goldenes HJ-Abzeichen).
51. Nazi Party Service Badges (NSDAP-Dienstauszeichnungen).
52. District Insignia of Honor of the Nazi Party (Gau-Ehrenzeichen der NSDAP).

Civil Servants:

Any person who has been appointed to any of the following positions since 30 January 1933 and any person who was an incumbent on that date and survived the successive Nazi purges which followed:

53. Reich Ministers, State Secretaries, Ministerial Directors and their Deputies, Ministerial "Dirigenten", Generalreferenten, officials of former German Embassies, consulates and missions beginning with the position of "Attache" and higher, all personnel employed in foreign countries since 1 January 1933 by the German Intelligence Service or by any organization or out-station dependent upon or controlled by it, and all other officials of a rank higher than "Referent" or its equivalent in Reich Ministries.

Reich Ministries are defined as the following:

- a) The High Command of the Armed Forces (OKW) including the High Commands of the Army (OKH), Navy (OKM), and Air Force (OKL).
 - b) The Foreign Office.
 - c) The Ministries of:

Armaments and War Production,	Propaganda,
Labor,	Interior,
Economics,	
Food and Agriculture,	Justice,
Science and Education	Posts,
Transport,	Ecclesiastical Affairs.
Finance,	
Air,	
 - d) The Ministry for the occupied Eastern Territories (Reichsministerium für die besetzten Ostgebiete).
54. Heads and their Deputies, Delegates, Commissioners and all other officials of rank higher than "Referent" or its equivalent of the following Reich authorities:

Reich Plenipotentiary for Total War Effort (Reichsbevollmächtiger für den totalen Kriegseinsatz).
Reich Commissioner for Strengthening German Folkdom (Reichskommissar für die Festigung deutschen Volkstums).

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Commissioner General for Medical and Health Services (Generalkommissar für das Sanitäts- und Gesundheitswesen).
Reich Housing Commissioner (Reichswohnungskommisar).
Reich Commissioner for Security for the German People and/or Commissioner General for Internal Defence (General-kommissar für die innere Verteidigung).
Reich Commissioner for Shipping (Reichskommissar für Seeschiffahrt).

Inspector General for Water and Power (Generalinspektor für Wasser und Energie).

Inspector General for Motor Transportation (Generalinspektor für das Kraftfahrwesen).

Reich Commissioner for Administration of Enemy Property (Reichskommissar für die Behandlung feindlichen Vermögens).

Reich Youth Leader (Reichsjugendführer).

Head of the Reichsstelle für Raumordnung (Reich Office for Regional Planning).

Delegates for the Four Year Plan and Division Chiefs in the Four Year Plan Office (Beauftragte für den Vierjahresplan).

Inspector General for German Roads (Generalinspektor für das Straßenwesen).

Forestry Office (Reichsforstamt).

55. Heads and their Deputies and all other officials of a rank higher than "Referent" or its equivalent of the following Reich Institutions:

Reich Committee for Public Health Services (Reichsausschuß für Volksgesundheit).

Reich Office for Social Insurance (Reichsversicherungsamt).

Supreme Court of Honor and Discipline of the German Labor Front (Oberster Ehren- und Disziplinarhof — DAF).

Reich Archives (Reichsarchiv).

Supreme Auditing Court of the Reich (Rechnungshof des Deutschen Reiches).

56. All Officials of the Reich Ministry of Public Enlightenment and Propaganda and heads of its regional offices and subsidiary agencies down to and including Kreis level. In addition, all officials of Nazi Agencies who have written propaganda of a primarily political nature.

57. High Officials (Minister, Chief Adjutant, State Secretary, Heads and Deputy Heads of Departments and Agencies and all other officials of a rank higher than "Referent" or its equivalent) of the Reich Ministry for Armaments and War Production including Chairmen of the "Hauptausschüsse" and "Ringe".

58. Members of the German Reichstag or Preußischer Staatsrat after 1st January 1934

59. Reich Trustees of Labor and Special Trustees of Labor (Reichstreuhänder der Arbeit und Sonderstreuhänder der Arbeit).

60. The following officials of the Reich Food Estate (Reichsnährstand):

1. all Landesbauernführer and their Deputies,

2. all Heads of Central and Regional Marketing Associations (Hauptvereinigungen und Wirtschaftsverbände),

3. all Kreisbauernführer and,

4. all Heads of Landes- and Regierungsforstämter.

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61. Gau Housing Commissioners (Gauwohnungskommissare) and their Deputies.
62. Commissioned Officers and NCOs of the "Stoßtruppen" and/or "Werkscharen".
63. Rectors of Universities and Curators, Heads of Teachers Training Colleges and Heads of Institutions of University Level.
64. Ministers, State Secretaries and Ministerial Directors of German Länder (States).
65. Provincial Presidents (Oberpräsidenten), Reich Governors (Reichsstatthalter) and their Departmental Heads.
66. Regierungspräsidenten or Landeskommisssare (im Land Baden).
67. Landräte.
68. All Urban and Rural Mayors (Oberbürgermeister und Bürgermeister).
69. Police Presidents and Directors (Polizeipräsidenten und Polizedirektoren) commissioned officers of the Technische Nothilfe (Technical Emergency Corps); Police Officers above the rank of Lieutenant or equivalent; all members of the Administrative Police (Verwaltungspolizei) serving with the Secret State Police (Gestapo) and with the SD (Security Service of the SS).
70. All Officers and other personnel at any time of the Militärisches Amt (formerly Abwehramt) and of the Reichssicherheitshauptamt (RSHA) and out-stations and dependent organizations, and of Uniformed, Criminal, Secret, and other Police and related Forces and Services who are subject to Mandatory Arrest will be compulsorily removed and permanently excluded from office and from positions of importance. In addition, all personnel employed in foreign countries since 1 January 1933 by the German Intelligence Service or by any organization or out-station dependent upon or controlled by it will be removed and excluded from office and from positions of importance.
71. The Plenipotentiary for the Employment and Distribution of Labor (General-Bevollmächtigter für den Arbeitseinsatz); the Special Commissioner for Agricultural Labor; the Reich Labor Inspectorate; the Reich Allocation Engineer (Reichseinsatzeingenieur).
72. Deutsche Reichsbank: President, Vice-presidents, and all other members of the Reichsbank Directorate (Direktorium), all members of the Advisory Board (Beirat), and all Reichsbank Directors (Direktoren).
73. Chief Regional Finance Officials (Oberfinanzpräsidenten).
74. Armament Inspectors (Rüstungsinspektore); Armament Commissioners (Rüstungsohmänner); Army District Deputies (Wehrkreisbeauftragte); District Labor Allocation Engineers (Bezirksarbeitseinsatzeingenieure); Building Delegates (Baubevollmächtigte); Policy-making officials of the Gau Economic Chambers and the Gau Economic Consultants of the NSDAP (Gauwirtschaftsberater).

Business Officials:

75. All individuals who have accepted Nazi Honors (para 45—52 ante) or who have held any of the following positions since 30 January 1933.

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76. Head of the National Economic Chamber (Reichswirtschaftskammer) and his subordinates down to President or Chairman of a Gau Economic Chamber (Gauwirtschaftskammer) or affiliated Economic Chamber (Wirtschaftskammer).
77. Chairman, President, Deputy or Business Manager of a Reichsgruppe (These are Reichsgruppen der gewerblichen Wirtschaft — National Groups of Industrial Economy — Industry, Handicrafts, Trade, Insurance, Power and the Tourist Industry, representing the whole industrial economy of the country except transport and agriculture), chairman, president, deputy or business manager of the Reichsvereinigungen (Reich Associations) in both cases including Main Committees, Special Committees, Main Rings and Special Rings.
78. Chairman, President or Deputy of a National Transport Group (Reichsverkehrsgruppe).
79. Chairman, all members of the Board of Directors, and leading executives of a corporation in which the Reich has, or has had at any time since 30 January 1933, an interest representing actual or working control; Chairman, all members of the board of directors and leading executives of a Corporation in which the NSDAP or any of its subsidiary organizations has, or has had at any time since 30 January 1933, an interest representing actual or working control.
80. Wehrwirtschaftsführer (War Economy Leader).
81. Reich Commissioners having jurisdiction over a raw material or industry (e. g. Reichsbeauftragte für Kohle, Reichsbeauftragte für Eisen, etc.), as well as policy-making officials of the "Reichsstellen" and "Bewirtschaftungsstellen".

Military Service:

82. Persons who have at any time been members of the German General Staff Corps.
83. Persons who have been National Socialist Indoctrination Officers (NS-Führungssoffiziere).

Organizations in Occupied Territory

84. Persons who have been chiefs of military or of civil administration in countries and territories occupied by Germany, or who have headed main functional or regional divisions thereof, and Military Commandants and their Deputies in cities and small townships.
85. Officials of the RUK (Rüstungs- und Kriegsproduktion — Reich Ministry of Armaments and War Production).
86. Officials of the Rohstoffhandelsgesellschaft (ROGES) — Raw Material Trading Company.

Lawyers

87. All persons who have been engaged or employed at any time in any of the following appointments or activities:
 - a) Akademie für Deutsches Recht:
President, Vice-President, Directors, Treasurer.
 - b) Gemeinschaftslager Hans Kerrl:
Commandants and all instructors im Hauptamte.

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- c) Volksgerichtshof:
All judges, the Bürodirektor, the Oberreichsanwalt, and all other prosecutors.
 - d) Sondergerichte:
All presiding and other permanent judges and prosecutors.
 - e) Party SS and SA Courts:
All judges, prosecutors and officials.
 - f) Standgerichte:
All presiding judges and prosecutors.
88. All persons who have been employed or engaged in any of the following appointments or activities at any time since 1 March 1933:
- a) Reichsgericht:
President, judges of the Special Senate and all prosecutors.
 - b) Reichsjustizprüfungsamt:
President, Vice-President, Leiter und Mitglieder im Hauptamte der Prüfungsstelle.
 - c) Oberlandesgerichte:
All Presidents, Vice-Presidents and Generalstaatsanwälte.
 - d) Landgerichte:
All Presidents and Oberstaatsanwälte.
 - e) Hereditary Farm Courts:
President and Vice-President of the Reichserbhofgericht and the President and Vice-President of the Landeserbhofgericht in Celle.
 - f) Disciplinary Courts Dienststrafkammern) for Legal personnel:
The President of any disciplinary court; the members of the Supreme Disciplinary Senate of the Reichsgericht.
 - g) Reichsverwaltungsgericht:
President, Vice-President and all presidents of Senates.
 - h) Reichsfinanzhof:
President and Vice-President
 - i) Reichsarbeitsgericht:
President and Deputy.
 - j) Reichsversicherungsamt:
President and Deputy.
 - k) Reichsversorgungsgericht:
President and Vice President
 - l) Reichsehrengerichtshof:
President and all Judges.
 - m) Professional Chambers:
The Presidents, Vice-Presidents and all officials of the Reichsnotarkammer, Reichspatentanwaltskammer and Reichsrechtsanwaltskammer; all members of the Supreme Honor Courts, relating to these professions; the President of the Notarkasse.
 - n) Personnel Officials:
All Personalreferenten at Reichsjustizministerium and all Courts.
 - o) Reichspatentamt:
President, Vice-President.

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88. The personnel listed in this sub-paragraph are to be suspended and not re-employed unless there is positive evidence in their favor:
 - a) Ministry of Justice:
All Ministerialdirigenten (unless they are deputies to the Ministeraldirektoren), and Ministerialräte who have presided over a Department.
 - b) Prüfungsämter:
All members not covered by para 88 b) above.
 - c) Disciplinary Courts for Legal personnel:
All members not covered by para 88 f) above.
 - d) All lawyers who have held regular employment in the Legal Advice Bureau of the DAF or have been admitted to appear before Labor Courts of first instance.
 - e) Professional Chambers and Honor Courts relating to Legal personnel:
All members not covered by para 88 l) and m) above.
 - f) Oberstes Fideikommissgericht (Entailed Estates Court):
President, Vice-President.
 - g) Oberlandesgerichte:
All Oberstaatsanwälte.
 - h) Schifffahrtsobergerichte:
All Presidents, Vice-Presidents.
 - i) Oberprisenhof:
President, Deputy-President.
 - j) Amtsgerichte:
All dienstaufsichtsführende Richter.
 - k) Hereditary Farm Courts:
All judges of the Reichserbhofgericht, and the Landeserbhofgericht in Celle not covered by para 88 e) above.
 - l) Reichsverwaltungsgericht:
All members not covered by para 88 g) above.
 - m) Reichsfinanzhof:
Presidents of Senates.
 - n) Reichsarbeitsgericht:
Presidents of Senates.
 - o) Any persons who were either
 1. Staatssekretär, Ministerialdirektor, or their deputies, or
 2. employed or engaged in the appointment or activities specified in paragraph 88 above during the period between 1 January 1933 and 8 May 1945.
90. High ranking officials of the Organization Todt (Einsatzleiter and upwards).
91. Any National of any of the United Nations who has committed offences against his national law in support of the German war effort or any such national who has assumed or been granted German citizenship after the date of entry of his former native country into a state of war with Germany.
92. Members of non-German native administrations (Quislings), and members of non-German Nazi or Fascist parties who may have assumed or been granted German citizenship after 1st April 1933.

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93. All members of the Staffs of Concentration Camps.
94. Persons who have held the office of Vertrauenslehrer (or Jugendwalter before 1937) in any type of school.
95. Persons who have denounced or contributed to the seizure of opponents of the Nazi regime.
96. Persons who have instigated or perpetrated acts of violence against political or religious opponents of the Nazi regime.
97. Persons employed in disseminating Nazi or Fascist ideology.
98. Persons who have been officials, teachers, or pupils at any time in National Political Educational Institutes (National-politische Erziehungsanstalten — NAPOLAS or NPEA) Adolf Hitler Schools (Adolf-Hitler-Schulen) or Ordensburgen.
99. Any person who has been previously removed or excluded from office or employment by any Zone Commander.

11. Guide to discretionary removals or exclusions

The eradication of nazism and militarism will require the elimination and exclusion from any positions of control or influence of persons likely to perpetuate an undemocratic tradition. In addition to the persons coming within categories listed in paragraph 10 and therefore subject to compulsory removal, the following types should be closely examined:

- a) Career officers of the German Armed Forces including the former Reichswehr.
- b) Persons who represent Prussian Junker tradition. These persons are difficult to define correctly. Information as to any individual, however, which shows him to have been a member of an aristocratic Prussian or East Prussian, Pomeranian, Silesian or Mecklenburg family, or of one which is the owner of extensive property in Prussia, or that he was a member of any of the elite German University Students Corps (such as the Bonner Borussen or all corps belonging to the Kösener SC), or a member of any of the East Prussian or Silesian Landesmannschaften, should be given careful consideration; such individuals are likely to merit removal or exclusion as they are likely to perpetuate the German militaristic tradition.

12. Discretionary Removal and Exclusion Categories

The list given hereunder should be consulted in determining whether or not persons not included under para 10 above or otherwise prescribed fall within the category of strong nazi sympathizers or persons hostile to Allied purposes:

- a) Members (other than conscripts) of the Waffen-SS.
- b) Persons who have been candidates for membership in any of the branches of the SS.
- c) Persons who joined the SA on or after 1 April 1933.
- d) Members of the Hitler Jugend and Bund deutscher Mädel who joined the HJ before 25 March 1939.
- e) NCOs of the RAD below the rank of Feldmeister (men) and Maidensührerin (women).
- f) Nominal members of the NSDAP who joined the Party after 1 May 1937 and persons who have been candidates for membership of the NSDAP.

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- g) Persons who have benefited by acceptance or transfer of property incidental to spoliation of occupied countries, aryonation, or confiscation of property on political, religious or racial grounds.
- h) Persons who have had exceptionally rapid promotions in civil service, education or the press since 30 January 1933.
- i) Persons who have been employed in policymaking or executive positions in the military or civil administration of German occupied territories and who are not covered by para 10 above.
- j) Persons who have made substantial contributions to the Party (sums large in themselves or large in proportion to the means of the individual in question). In this connection it should be noted that contributions to German political parties, including the NSDAP, were frequently made by companies, cartels, etc., and prominent sympathizers with the Party may have used this method rather than that of personal subscription to support the Party.
- k) Persons who were members of other political parties or organizations in Germany which ultimately provided support for the National Socialist Party at the time of its coming into power (e. g. Hugenberg's Harzburger Front Group of the Deutschationale Volkspartei, the Stahlhelm and the Kyffhäuserbund).
- l) Persons holding high positions in the German Red Cross, particularly if they were appointed since 1933. Leading posts in this organization have been given only to men and women considered reliable by the Nazis.
- m) Persons belonging to the "German Christian Movement" (Deutsche Christen Bewegung). This organization consists mainly of Nazis who claim to be Protestant Christians and who have managed, with the help of the NSDAP, to gain a majority control of the administrative machinery of the German Evangelical Church. Membership of this organization indicates Nazi sympathy.
- n) Persons belonging to the "Neo-Pagan Movement" (Deutsche Glaubensbewegung). This organization was composed of Nazi sympathizers frank enough to admit Nazism and Christianity are irreconcilable. Membership of this organization raises strong presumption of Nazi sympathy.
- o) Members of the NSKK, and the NSFK, NSDStB, NSDoB and NSF.
- p) Recipients of the Spanish Cross, the Austrian Commemoration Medal, the Sudeten Commemoration Medal, the Memel Commemoration Medal, the Danzig Cross, the SA Military Badge, or Reich Labor Services Badges of Merit.
- q) Parents who have permitted any of their children to attend National Political Educational Institutes (Nationalpolitische Erziehungsanstalten) — NAPOLAS or NPEA, Adolf Hitler Schools (Adolf-Hitler-Schulen) or Ordensburgen.
- r) Persons who have received financial favoritism from the Nazis.
- s) Persons who, through Nazi influence, escaped military service or actual service at the front.

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- t) Lawyers to whom the criteria mentioned in Category "C" of Appendix 1 of Section 1 of the Technical Manual for Legal and Prison Officers (2nd edition) apply.
- u) Officials of important industrial, commercial, agricultural and financial institutions having the titles of "Generaldirektor", "Direktor", "Präsident", "Vize-Präsident", "Geschäftsführer", "Betriebsführer", "Betriebsleiter", "Betriebsobmann", "Bürochef", or their equivalents; policy-making technical personnel such as "Cheingenieur", "Oberingenieur", "Betriebsingenieur", etc.; all members of the "Vorstand", and "Aufsichtsrat"; all persons with the power to hire and dismiss employees.
- v) Near relatives of prominent Nazis should not be employed.

13. Principles guiding discretion in removing and excluding individuals

The guiding principle in all these cases must be whether the person under examination has or has not been more than a nominal participant in the activities of the Nazi Party, in the light of the definition in paragraph 2 of this directive. In cases of doubt persons will not be employed or left in occupation of their office if others are available who are politically more reliable but administratively somewhat less suitable. Such persons will, wherever possible, be given only posts of minor responsibility until they have proved themselves to be politically reliable. It is essential that the head executive German officials at the levels of Provinz, Regierungsbezirk and Kreis should be confirmed anti-Nazis even if this entails the employment of persons less well qualified to discharge their administrative duties.

Done in Berlin on 12 January 1946.

B. H. ROBERTSON
Lieutenant General

L. KOELTZ
Général d'Armée

V. SOKOLOVSKY
Army General

OLIVER P. ECHOLS
Major General

for LUCIUS D. CLAY
Lieutenant General

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ANNEX L

ALLIED CONTROL AUTHORITY CONTROL COUNCIL

Directive No. 38

The Arrest and Punishment of War Criminals, Nazis and Militarists and the Internment, Control and Surveillance of Potentially Dangerous Germans

The Control Council directs as follows:

PART I

1. Object

The object of this paper is to establish a common policy for Germany covering:

- a) The punishment of war criminals, Nazis, Militarists, and industrialists who encouraged and supported the Nazi Regime.
- b) The complete and lasting destruction of Nazism and Militarism by imprisoning and restricting the activities of important participants or adherents to these creeds.
- c) The internment of Germans, who, though not guilty of specific crimes are considered to be dangerous to Allied purposes, and the control and surveillance of others considered potentially so dangerous.

2. References

- a) Potsdam Agreement, Sec. III, Para. 3, I(a)
- b) Potsdam Agreement, Sec. III, Para. 3, III
- c) Potsdam Agreement, Sec. III, Para. 5
- d) Control Council Directive No. 24
- e) Control Council Law No. 10, Article II, Para 3 and Article III, Paras. 1 and 2.

3. The Problem and General Principles

It is considered that in order to carry out the principles established at Potsdam, it will be necessary to classify war criminals and potentially dangerous persons into five main categories and to establish punishments and sanctions appropriate to each category. We consider that the composition of categories and the nature of penalties and sanctions should be agreed in some detail but without limiting in any way the full discretion conferred by Control Council Law No. 10 upon Zone Commanders.

4. A clear definition of Allied policy with regard to the obviously dangerous as well as to only potentially dangerous Germans is required at this time in order to establish uniform provisions for disposing of these persons in the various Zones.

5. Categories and Sanctions

Composition of categories and sanctions are treated in detail in Part II of this Directive. They shall be applied in accordance with the following general principles:

- a) A distinction should be made between imprisonment of war criminals and similar offenders for criminal conduct and intern-

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ment of potentially dangerous persons who may be confined because their freedom would constitute a danger to the Allied Cause.

b) Zone Commanders may, if they so desire, place an individual in a lower category on probation, with the exception of those who have been convicted as major offenders on account of their guilt in specific crimes.

c) Within the categories, Zone Commanders will retain discretion to vary the sanctions if necessary to meet the requirements of individual cases within the limits laid down in this Directive.

d) The classification of all offenders and potentially dangerous persons, assessment of sanctions and the review of cases will be carried out by agencies to be designated by the Zone Commanders as responsible for the implementation of this directive.

e) The Zone Commanders and tribunals will have the authority to upgrade or downgrade individuals between categories. Zone Commanders may, if they wish, use German tribunals for the purpose of classification, trial and review.

f) In order to prevent persons dealt with under this Directive avoiding any of the consequences of the Directive by moving to another Zone, each Zone Commander will ensure that the other Zones know and understand the methods employed by him in endorsing the identity documents of classified individuals.

g) To implement this Directive, it is recommended that each Zone Commander will issue Orders or Zonal Laws conforming in substance to the provisions and principles of this Directive in his own Zone. Zone Commander will supply each other with copies of such Laws or Orders.

h) Provided that such Zonal Laws are in general conformity with the principles here set forth, full discretion is reserved to the individual Zone Commanders as regards their application in detail in accordance with the local situation in their respective Zones.

i) In Berlin the Allied Kommandatura will have the responsibility for implementing the principles and provisions of this Directive and will issue such regulations and orders as are required for that purpose. Whatever discretion in the implementation of this Directive is left to Zone Commanders will be exercised by the Allied Kommandatura in Berlin.

j) Apart from the categories and sanctions set forth in Part II of this Directive, persons who committed war crimes or crimes against peace or humanity as defined in Control Council Law No. 10, will be dealt with under the provisions and procedures prescribed by that Law.

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PART II

ARTICLE 1 GROUPS OF PERSONS RESPONSIBLE

In order to make a just determination of responsibility and to provide for imposition (except in the case of 5. below) of sanctions the following groupings of persons shall be made.

1. Major offenders;
2. Offenders (activists, militarists, and profiteers);
3. Lesser offenders (probationers);
4. Followers;
5. Persons exonerated. (Those included in the above categories who can prove themselves not guilty before a tribunal).

ARTICLE 2 MAJOR OFFENDERS

Major Offenders are:

1. Anyone who, out of political motives, committed crimes against victims or opponents of national socialism;
2. Anyone who, in Germany or in the occupied areas, treated foreign civilians or Prisoners of War contrary to International Law;
3. Anyone who is responsible for outrages, pillaging, deportations, or other acts of brutality, even if committed in fighting against resistance movements;
4. Anyone who was active in a leading position in the NSDAP, one of its formations or affiliated organizations, or in any other national socialistic or militaristic organization;
5. Anyone who, in the government of the Reich, the Laender, or in the administration of formerly occupied areas, held a leading position which could have been held only by a leading national socialist or a leading supporter of the national socialistic tyranny;
6. Anyone who gave major political, economic propagandist or other support to the national socialistic tyranny, or who, by reason of his relations with the national socialistic tyranny, received very substantial profits for himself or others;
7. Anyone who was actively engaged for the national socialistic tyranny in the Gestapo, the SD, the SS, or the Geheime Feld- or Grenz-Polizei;
8. Anyone who, in any form whatever, participated in killings, tortures, or other cruelties in a concentration camp, a labour camp, or a medical institution or asylum;
9. Anyone who, for personal profit or advantage, actively collaborated with the Gestapo, SD, SS or similar organisations by denouncing or otherwise aiding in the persecution of the opponents of the national socialistic tyranny;
10. Any member of the High Command of the German Armed Forces so specified;
11. In Part I of Appendix 'A' a list of categories of persons is given who, because of the character of the crimes allegedly committed by them, shown in paras. 1—10 of this Article, as well as the positions occupied by them, will be carefully investigated and, if the results of the investigation necessitate a trial, must be brought to trial as major offenders and punished if found guilty.

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ARTICLE 3 OFFENDERS

A. Activists

I. An activist is:

1. Anyone who, by way of his position or activity, substantially advanced the national socialistic tyranny;
2. Anyone who exploited his position, his influence or his connections to impose force and utter threats, to act with brutality and to carry out oppressions or otherwise unjust measures;
3. Anyone who manifested himself as an avowed adherent of the national socialistic tyranny, more particularly of its racial creeds.

II. Activists are in particular the following persons, insofar as they are not major offenders:

1. Anyone who substantially contributed to the establishment, consolidation or maintenance of the national socialist tyranny, by word or deed, especially publicly through speeches or writings or through voluntary donations out of his own or another's property or through using his personal reputation or his position of power in political, economic or cultural life;
2. Anyone who, through national socialistic teachings or education, poisoned the spirit and soul of the youth;
3. Anyone who, in order to strengthen the national socialistic tyranny, undermined family and marital life disregarding recognised moral principles;
4. Anyone who in the service of national socialism unlawfully interfered in the administration of justice or abused politically his office as judge or public prosecutor;
5. Anyone who in the service of national socialism agitated with incitement or violence against churches, religious communities or ideological associations;
6. Anyone who in the service of national socialism ridiculed, damaged or destroyed values of art or science;
7. Anyone who took a leading or active part in destroying trade unions, suppressing labor, and misappropriating trade union property;
8. Anyone who, as a provocateur, agent or informer, caused or attempted to cause, institution of a proceeding to the detriment of others because of their race, religion or political opposition to national socialism or because of violation of national socialist rules;
9. Anyone who exploited his position or power under the national socialistic tyranny to commit offences, in particular, exhortations, embezzlements and frauds;
10. Anyone who by word or deed took an attitude of hatred towards opponents of the NSDAP in Germany or abroad, towards Prisoners of War, the population of formerly occupied territories, foreign civilian workers, prisoners or like persons;
11. Anyone who favored transfer to service at the front because of opposition to national socialism.

III. An activist shall also be anyone who after 8 May 1945 has endangered or is likely to endanger the peace of the

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German people or of the world, through advocating national socialism or militarism or inventing or disseminating malicious rumors.

B. Militarists

I. A Militarist is:

1. Anyone who sought to bring the life of the German people into line with a policy of militaristic force;
2. Anyone who advocated or is responsible for the domination of foreign peoples, their exploitation or displacement; or
3. Any who, for these purposes, promoted armament.

II. Militarists are in particular the following persons, insofar as they are not major offenders:

1. Anyone who, by word or deed, established or disseminated militaristic doctrines or programs or was active in any organization (except the Wehrmacht) serving the advancement of militaristic ideas;
2. Anyone who before 1935 organized or participated in the organization of the systematic training of youth for war;
3. Anyone who, exercising the power of command, is responsible for the wanton devastation, after the invasion of Germany, of cities and country places;
4. Anyone without regard to his rank who as a member of the Armed Forces (Wehrmacht), the Reich Labor Service (Reichsarbeitsdienst), the Organization Todt (OT.), or Transport Group Speer, abused his official authority to obtain personal advantages or brutally to mistreat subordinates;
5. Anyone whose past training and activities in the General Staff Corps or otherwise has in the opinion of Zone Commanders contributed towards the promotion of militarism and who the Zone Commanders consider likely to endanger Allied purposes.

C. Profiteers

I. A profiteer is:

Anyone who, by use of his political position or connections, gained personal or economic advantages for himself or others from the national socialistic tyranny, the rearmament, or the war.

II. Profiteers are in particular the following persons, insofar as they are not major offenders:

1. Anyone who, solely on account of his membership in the NSDAP, obtained an office or a position or was preferentially promoted therein.
2. Anyone who received substantial donations from the NSDAP or its formations or affiliated organizations;
3. Anyone who obtained or strove for advantages for himself or others at the expense of those who were persecuted on political, religious or racial grounds, directly or indirectly, especially in connection with appropriations, forced sales, or similar transactions.

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- 4. Anyone who made disproportionately high profits in armament or war transactions.
- 5. Anyone who unjustly enriched himself in connection with the administration of formerly occupied territories;
- D. In Part II of Appendix 'A' a list of categories of persons is given who, because of the character of the crimes allegedly committed by them, shown in this Article, paragraphs A, B and C, will be carefully investigated and, if the results of the investigation necessitate a trial, must be brought to trial as offenders and punished if found guilty.

ARTICLE 4 LESSER OFFENDERS PROBATIONERS

- I. A lesser offender is:
 - 1. Anyone including former members of the Armed Forces who otherwise belongs to the groups of Offenders but because of special circumstances seems worthy of a milder judgment and can be expected according to his character to fulfil his duties as a citizen of a peaceful democratic state after he has proved himself in a period of probation.
 - 2. Anyone who otherwise belongs to the group of followers but because of his conduct and in view of his character will first have to prove himself.
- II. A lesser offender is more particularly:
 - 1. Anyone who, born after the first day of January 1919, does not belong to the group of major offenders, but seems to be an offender, without however having manifested despicable or brutal conduct and who can be expected in view of his character to prove himself;
 - 2. Anyone, not a major offender, who seems to be an offender but withdrew from national socialism and its methods, unqualifiedly and manifestly, at an early time.
 - 3. In Part III of Appendix 'A' a list of categories of persons is given who will be carefully investigated and, if there is evidence of guilt in accordance with the provisions of paras I and II of this Article, will be charged as lesser offenders and punished if found guilty.

ARTICLE 5 FOLLOWERS

- I. A follower is:
Anyone who was not more than a nominal participant in, or a supporter of, the national socialistic tyranny.
- II. Subject to this standard, a follower is more particularly:
 - 1. Anyone who as a member of the NSDAP or of one of its formations, except the HJ and BDM, did no more than pay membership fees, participate in meetings where attendance was obligatory, or carry out unimportant or purely routine duties such as were directed for all members;
 - 2. Anyone, not a major offender, an offender, or a lesser offender, who was a candidate for membership in the NSDAP but had not yet been finally accepted as a member.

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3. Anyone being a former member of the Armed Forces who, in the opinion of the Zone Commander, is liable by his qualification to endanger Allied purposes.

ARTICLE 6 EXONERATED PERSONS

An exonerated person is:

Anyone who, in spite of his formal membership or candidacy or any other outward indication, not only showed a passive attitude but also actively resisted the national socialistic tyranny to the extent of his powers and thereby suffered disadvantages.

ARTICLE 7 SANCTIONS

In accordance with the extent of responsibility the sanctions set forth in Art. 8—11 shall be imposed in just selection and gradation, to accomplish the exclusion of national socialism and militarism from the life of the German people and reparation of the damage caused.

ARTICLE 8 SANCTIONS AGAINST MAJOR OFFENDERS

- I. Major Offenders having committed a specific war crime will be liable to the following sanctions:
 - a) Death
 - b) Imprisonment for life or for period of five to fifteen years, with or without hard labour.
 - c) In addition, any of the sanctions listed in Paragraph II of this Article may be imposed.
- II. The following sanctions may be imposed upon other Major Offenders:
 - a) They shall be imprisoned, or interned for a period not exceeding 10 years. Internment after 8 May 1945 can be taken into account. Disabled persons will be required to perform special work in accordance with their capability.
 - b) Their property may be confiscated. However, there shall be left to them an amount necessary to cover the bare existence after taking into consideration family conditions and earning power.
 - c) They shall be ineligible to hold any public office, including that of notary or attorney.
 - d) They shall lose any legal claims to a pension or allowance payable from public funds.
 - e) They shall lose the right to vote, the capacity to be elected, and the right to be politically active in any way or to be members of a political party.
 - f) They shall not be allowed to be members of a trade union or a business or vocational association.
 - g) They shall be prohibited for a period of not less than ten years after their release:
 1. To be active in a profession or, independently, in an enterprise of economic undertaking of any kind, to own a share therein or to supervise or control it.

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2. To be employed in any dependent position, other than ordinary labor.
3. To be active as teacher, preacher, editor, author, or radio commentator.
- h) They are subject to restrictions as regards living space and place of residence, and may be enlisted for public works service.
- i) They shall lose all licences, concessions and privileges granted them and the right to keep a motor vehicle.

ARTICLE 9

SANCTIONS AGAINST OFFENDERS

1. They may be imprisoned or interned for a period up to ten years in order to perform reparation and reconstruction work. Political internment after 8 May 1945 can be taken into account.
2. Their property may be confiscated (as a contribution for reparation), either as a whole or in part. In case the property is confiscated in part, capital goods (Sachwerte) should be preferred. The necessary items for daily use shall be left to them.
3. They shall be ineligible to hold any public office, including that of notary or attorney.
4. They shall lose any legal claims to a pension or allowance payable from public funds.
5. They shall lose the right to vote, the capacity to be elected, and the right to be politically active in any way or to be members of a political party.
6. They shall not be allowed to be members of a trade union or business or vocational association.
7. They shall be prohibited, for a period of not less than five years after their release:
 - a) To be active in a profession or, independently, in an enterprise or economic undertaking of any kind, to own a share therein or to supervise or control it.
 - b) To be employed in any dependent position, other than ordinary labor.
 - c) To be active as a teacher, preacher, editor, author, or radio commentator.
8. They are subject to restriction as regards living space and place of residence.
9. They shall lose all licenses, concessions and privileges granted them and the right to keep a motor vehicle.
10. Within the discretion of Zone Commanders sanctions may be included in zonal laws forbidding offenders to leave a Zone without permission.

ARTICLE 10

SANCTIONS AGAINST LESSER OFFENDERS

If the finding of the tribunal places an individual in the category of lesser offenders, he may be placed on probation. The time of probation shall be at least two years but, as a rule, not more than three years. To which group a person responsible

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hereunder will be finally allocated will depend on his conduct during the period of probation. While on probation, the following sanctions will apply:

1. They shall be prohibited, during the period of probation:
 - a) To operate an enterprise as owner, partner, manager or executive, supervise or control an enterprise or to acquire any enterprise in whole or in part, or any interest or share therein, in whole or in part.
 - b) To be active as teacher, preacher, author, editor or radio commentator.
2. In the event the lesser offender is the owner of an independent enterprise, or any share therein, at the time of his classification, his interest in such enterprise may be blocked.
3. The term enterprise as used in paragraph 1a) and 2 of this article need not include small undertakings of craftsmen, retail shops, farms and like undertakings, having less than 20 employees.
4. Property values, acquisition of which rested upon use of political connections or special national socialistic measures such as aryanization and armament shall be confiscated.
5. For the period of probation additional sanctions, taken from these set forth in Article 11 hereof may be imposed, with just selection and modification, more particularly:
 - a) Restrictions in the exercise of an independent profession, and prohibition to train apprentices.
 - b) In respect of civil servants: reduction of retirement pay, retirement or transfer to an office with lesser rank or to another position with reduction of compensation, rescission of promotion, transfer from the civil service relationship into that of a contractual employee.
6. Internment in a labor camp or confiscation of the whole property may not be ordered.
7. Within the discretion of Zone Commanders sanctions may be included in zonal laws forbidding the lesser offenders to leave a Zone without permission.
8. Within the discretion of Zone Commanders sanctions may be included in zonal laws denying them the capacity to be elected and the right to be politically active in any way or to be members of a political party. They may also be denied the right to vote.
9. They may be required to report periodically to the police in the place of their residence.

ARTICLE 11

SANCTIONS AGAINST FOLLOWERS:

The following sanctions against followers may be applied at the discretion of the Zone Commanders:

1. They may be required to report periodically to the police in the place of their residence.
2. They will not be permitted to leave a Zone or Germany without permission.

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3. Civilian members in this category may not stand for election at any level but may vote.
4. In addition, in the case of civil servants, retirement or transfer to an office with lesser rank or to another position, possibly with reduction of compensation or rescission of a promotion instituted while the person belonged to the NSDAP, may be ordered. Corresponding measures may be ordered against persons in economic enterprises including agriculture and forestry.
5. They may be ordered to pay single or recurrent contributions to funds for reparations. When determining contributions, the follower's period of membership, the fees and contributions paid by him, his wealth and income, his family conditions and other relevant factors shall be taken into consideration.

ARTICLE 12 EXONERATED PERSONS

No sanction will be applied against persons declared to be exonerated by a tribunal.

ARTICLE 13

Persons in the categories defined in Article 2 to 6 above who are guilty of specific war crimes or other offences may be prosecuted regardless of their classification under this Directive. Imposing of Sanctions under this Directive shall not bar criminal prosecutions for the same offence.

Done at Berlin on the 12th day of October 1946.

R. NOIRET,
Général de Division

P. A. KUROCHKIN,
Colonel General

LUCIUS D. CLAY,
Lieutenant General

G. W. E. J. ERSKINE,
Major General
for B. H. ROBERTSON
Lieutenant General

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Appendix 'A'

PART I

The following is a list of categories of persons who, because of the character of the crimes allegedly committed by them, shown in paras 1—10 of Article 2 of Part II of this Directive, as well as the positions occupied by them, will be carefully investigated and, if the results of the investigation necessitate a trial, must be brought to trial as major offenders and punished if found guilty.

- A. The German Secret Service including Abwehraemter (military intelligence offices)
 - 1. All executive officials of the Reichssicherheitshauptamt (RSHA or National Department of Security), its organizations and offices directly supervised by RSHA.
 - 2. All officials of the Geheime Feldpolizei (GFP) down to and including the rank of Feld-Polizeidirektor.
 - 3. All executive officials of the Research Office of the Reich Air Ministry.
- B. The Security Policy (SiPo).
 - 1. All members of the Geheime Staatspolizei (Gestapo).
 - 2. Executive officials of the Grenzpolizei-Kommissariate (Greko).
 - 3. All executives of the Main Offices (Leitstellen) and Offices (Stellen) of the Criminal Police (Kriminalpolizei).
- C. The Ordnungspolizei (Orpo).
 - 1. All officials of the following branches of police since 1935 down to and including the rank of colonel or equivalent:
 - a) Schutzpolizei (Schupo)
 - b) Gendarmerie (Gend)
 - c) Wasserschutzpolizei (SW)
 - d) Luftschutzpolizei (L. Schupo)
 - e) Technische Nothilfe.
- D. The NSDAP.
 - 1. All office holders of the NSDAP, down to and including the office of Amtsleiter of the Kreisleitung.
 - 2. All members of the Corps of Political Leaders of the Party down to and including the rank of political Einsatzleiter and all members of the training staffs of the Ordensburgen, Schulungsburgen, Adolf-Hitler-Schulen und Nationalpolitische Erziehungsanstalten.
 - 3. All members of the Reichstagsfraktion of the NSDAP before 30 January 1933.
 - 4. The following office holders of the Reich Food Estate (Reichsnahrstand):
 - a) all Landesbauernfuehrer and their deputies;
 - b) all leaders of the Hauptvereinigungen and Wirtschaftsverbaende;
 - c) all Kreisbauernfuehrer;
 - d) all leaders of the Landesforstaemter.
 - 5. Officials of the Gauwirtschaftskammern who were charged with political coordination on behalf of the Party.
 - 6. Gauwirtschaftsberater.
- E. The Organizations of the NSDAP.
 - 1. The Waffen-SS — All officers down to and including the rank of Sturmbannfuehrer (Major), all members of the Totenkopfverbaende and all SS-Helferinnen and SS-Kriegshelferinnen in Konzentrationslagern (SS Women auxiliaries and SS women auxiliaries of war in concentration camps).

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2. Allgemeine SS — All officers down to and including the rank of Untersturmfuehrer.
3. SA — All officers down to and including the rank of Sturmbannfuehrer.
4. HJ — All officers down to and including the rank of Bannfuehrer and equivalents in the BDM and all members of the "Schnellkommandos" (HJ-Streifendienst) under the control of the SS, who were born prior to 1 January 1919.
5. NSKK. — All officers down to and including the rank of Standartenfuehrer.
6. NSFK. — All officers down to and including the rank of Standartenfuehrer.
7. NS-Deutscher Studentenbund — All executive office holders of the Reichsstudentenfuehrung and the Gaustudentenfuehrungen.
8. NS-Dozentenbund — All executive office holders at Reich and Gau levels.
9. NS-Frauenschaft — All executive office holders at Reich and Gau levels.

F. Affiliated Organizations of the NSDAP.

1. Deutsche Arbeitsfront
 - a) All executive officials of the DAF in the Central Office of the DAF.
 - b) All executive officials of the DAF in the Kriegshauptarbeitsgebieten. I, II, III and IV.
 - c) All members of the Oberster Ehren- und Disziplinarhof.
 - d) All executive officials of the DAF-Gauwaltung, Auslandsorganisation.
2. NS-Volkswohlfahrt — All executive office holders down to and including the Department Heads at Reich level.
3. NS-Kriegsopfersversorgung — All office holders down to and including the Department Heads at Reich level.
4. NS-Bund Deutscher Technik — All office holders down to and including the Department Heads at Reich level.
5. Reichsbund der Deutschen Beamten — All office holders down to and including the Department Heads at Reich and Gau levels.
6. NS-Deutscher Aerztekongress — All office holders down to and including the Department Heads at Reich and Gau levels.
7. NS-Lehrerbund — All office holders down to and including Department Heads at Reich and Gau levels.
8. NS-Rechtswahrerbund — All office holders down to and including Department Heads at Reich and Gau levels.

G. Supervised Organizations of the NSDAP.

1. NS-Altherrenbund — All members of the Fuehrerkreis down to Gau level.
2. Reichsbund Deutscher Familie — All executive office holders at Reich level.
3. Deutscher Gemeindetag — Executive office holders of the Deutscher Gemeindetag.

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4. NS-Reichsbund fuer Leibesuebungen — Reichssportfuehrer and all Sportbereichsfuehrer.

H. Other Nazi Organizations.

1. Reichsarbeitsdienst (RAD) — All officers down to and including the rank of Oberstarbeitsfuehrer as far as men are concerned, and down to and including the rank of Stabs-oberfuehrer as far as women are concerned.
2. Reichskolonialbund — All executive officials of the Colonial Political Office in the Reichsleitung of the NSDAP.
3. Volksbund fuer das Deutsche im Ausland (VDA) — All officials in Reich and Gau Offices since 1935 within Germany and all Volksgruppenfuehrer and Landesgruppenfuehrer outside Germany.
4. NS-Reichskriegerbund (Kyffhaeuserbund) — All officials down to and including the Gaukriegerfuehrer.
5. Reichskulturmessen — All presidents, vicepresidents and managers. All members of the Reichskulturrat, of the Reichskultursenat and Praesidialraete.
6. Deutscher Fichtebund — All executive officials.
7. Reichssicherheitsdienst — All officials down to and including the rank of Dienststellenleiter.

I. The Nazi Party Decorations

1. NS-Blutorden — (Of 9 November 1923) — All holders.
2. Badge of honor for members under Number 100 000 (Golden Party Badge) — All holders.
3. NSDAP — Service-Medals — All holders of Class I (25 years of service).

K. Government Officials

Note: The classifications indicated apply only to those persons who were appointed to any of the positions listed after 30 January 1933, or who were incumbents in such positions on that date who survived the successive Nazi purges which followed.

1. All political officials including Reichsminister, Staatsminister, Staatssekretaire, Reichsstatthalter and Oberpraesidenten and officials, leaders, deputies or commissioners of a corresponding rank.
2. All former German ambassadors since 30 January 1933.
3. All officials down to and including the rank of Ministerialdirektor in Reich offices or of an equally high rank in Government offices which existed before 30 January 1933; all officials down to and including Ministerialrat in Reich or Government offices which were created after 30 January 1933 for the fulfilment of new tasks and also in those which had been established in countries and territories formerly occupied or ruled by Germany.
4. All officials who occupied one of the following positions since 1934.
 - a) Reichsbevollmaechtigter, Sonderbevollmaechtigter,
 - b) Reichskommissar,
 - c) Generalkommissar,

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- d) Generalinspekteur,
- e) Beauftragter and Wehrkreisbeauftragter,
- f) Reichstreuhander der Arbeit, Sonderstreuhander der Arbeit,
- g) Generalereferenten.

L. The German Armed Forces and Militarists

1. NS-Fuehrungsoffiziere — All full-time NS-Fuehrungsoffiziere down to and including division in the OKW, OKH, OKM and OKL.
2. General Staff Officers — All officers of the German General Staff who since 4 February 1938 belonged to the Wehrmacht-fuehrungsstab of the OKW, OKH, OKM, or OKL.
3. Heads and Deputy Heads of Military and Civil Administration of countries and territories formerly occupied by Germany.
4. All former officers of the Freikorps "Schwarze Reichswehr".

M. Private Business and Professions

1. Wehrwirtschaftsfuehrer — All 'Wehrwirtschaftsfuehrer' who were appointed after 1 January 1942.
2. Wirtschaftskammern (Economic Chambers) — All executives and deputy executives of Reichs- and Gauwirtschaftskammern.
3. Reichsgruppen der Gewerblichen Wirtschaft (Reich Groups of Trade and Industry) — All chairmen, presidents and deputy executives.
4. Reichsverkehrsgruppen (Reich Traffic Groups) — All chairmen, presidents and deputy executives.
5. Wirtschaftsgruppen (Economic Groups) — All chairmen, presidents and deputy executives at Reich level.
6. Reichsvereinigungen (Reich Associations) — All chairmen, presidents and deputy executives.
7. Werberat der Deutschen Wirtschaft (Advertising Council of German Economy) — All presidents and managing directors.
8. Reichskommissare (Reich Commissioners) — All those responsible for raw material and industrial supply.

N. Jurists

1. President and Vicepresident of the Academy of German Law;
2. Commanders and all fulltime executives of the Gemeinschaftslager Hanns Kerrl;
3. All judges, the Oberrechtsanwalt and all public prosecutors as well as the office manager of the Volksgerichtshof;
4. All judges, public prosecutors and officials of the Party, SS and SA courts;
5. President and Vicepresident of the Reichsjustizpruefungsamt;
6. Presidents of the
 - a) Reichsgericht,
 - b) Reichsarbeitsgericht,
 - c) Reichserbhofgericht,

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- d) Reichserbgesundheitsgericht,
 - e) Reichsfinanzhof,
 - f) Reichsverwaltungsgericht,
 - g) Reichsehrengerichtshof,
 - h) Reichsrechtsanwaltskammer,
 - i) Reichsnotarkammer,
 - j) Reichspatentanwaltskammer,
 - k) Reichskammer der Wirtschaftsprüfer.
7. Presidents of the Oberlandesgerichte who were appointed after 31 December 1938.
 8. Oberreichsanwälte, Reichsanwälte and Generalstaatsanwälte, of the Oberlandesgerichte appointed after 31 March 1933.
 9. Vicepresidents of the
 - a) Reichsgerichtsgericht,
 - b) Reichserhofgericht,
 - c) Reichserbgesundheitsgericht,
 - d) Reichsverwaltungsgericht.
 10. Chairmen
 - a) of the Sondergesetz of the Reichsgericht
 - b) Personalreferenten of the Reichsjustizministerium.
- O. Other Groups of Persons
1. War Criminals
 2. All persons who have denounced opponents of National Socialism or who have in any way contributed to their arrest or who have induced or used force against political or religious opponents of the National Socialist tyranny.
 3. Commissioned officers of Stosstrups and Werkscharen within business establishments.
 4. Rectors of universities and chairmen of the board of curators, heads of teacher's training colleges and heads of institutions of university level since 1934 insofar as they have been members of the NSDAP or its formations and all such persons appointed since 1938 irrespective of Party affiliation.

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Appendix 'A'

PART II

The following is a list of categories of persons who, because of the character of the crimes allegedly committed by them, shown in Article 3, paragraphs A, B and C, of Part II of this Directive will be carefully investigated and, if the results of the investigation necessitate a trial, must be brought to trial as offenders and punished if found guilty.

- A) The German Secret Service including Abwehraemter (military intelligence offices)
 - 1. All officers and other personnel of the RSHA, its organizations and offices directly supervised by RSHA, if not included in the category of Major Offender.
 - 2. All officials of the Geheime Feldpolizei who are not included in the category of Major Offender.
 - 3. All persons who since 30 January 1933 were engaged in their countries by the German Secret Service including Abwehr or any other organization or branch under the control or supervision of the German Secret Service.
- B) The Security Police (Sipo)
 - 1. All persons who have been members of the Grenzpolizei since 1 June 1937, if not included in the category of Major Offender.
 - 2. All officials of the Criminal Police down to and including the rank of the Kriminalakommissar if not included in the category of Major Offender.
 - 3. All executive officials of the Mail Censor Offices (Briefprüfungsstellen) if not included in the category of Major Offender.
- C) The Ordnungspolizei (Orpo)
 - 1. All commissioned police officers (Schutzpolizei, Gendarmerie, Wasserschutzpolizei, Luftschutzpolizei, Technische Notshilfe, Feuerschutzpolizei, Verwaltungspolizei, Kolonialpolizei, Sonderpolizei, Hilfspolizei) who were promoted after 30 January 1933 or who, whether promoted or not, remained in office after 31 December 1937 in spite of successive purges.
 - 2. All commissioned police officers who have served as such at any time in one of the territories formerly occupied by Germany in any fighting formation (Einsatzgruppe or Einsatzkommando) or the Sipo or the SD.
 - 3. All members of the Verwaltungspolizei who had been assigned to Gestapo and SD.
- D) The NSDAP
 - 1. All office holders and officials of the NSDAP (salaried and honorary posts) down to the lowest rank in the party offices (main and subordinate offices) as well as institutions and academies which were founded by the NSDAP.
 - 2. All members of the Corps of Political Leaders who are not included in the category of Major Offender.
 - 3. All members of the "Reichstagsfraktion" of the NSDAP who are not included in the category of Major Offender.
 - 4. All members of the NSDAP who joined prior to 1 May 1937.
 - 5. All members of the NSDAP who after 4 years of service with the "Hitler-Jugend" and after having reached the age of 18 had been selected for admission into the Party.

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6. All members of the NSDAP regardless of the entrance date who were members of the following organizations:
 - a) Reichspressekammer,
 - b) Reichsrundfunkkammer,
 - c) Deutsche Akademie Muenchen,
 - d) Deutsche Christenbewegung,
 - e) Deutsche Glaubensbewegung,
 - f) Institut zur Erforschung der Judenfrage,
 - g) Kameradschaft USA.,
 - h) Osteuropaeisches Institut (seit 1935),
 - i) Staatsakademie fuer Rassen- und Gesundheitspflege.
 7. All regular officers of the "Wehrmacht" who became members of the NSDAP including such officers who were members of the NSDAP before entering the Wehrmacht but who did not thereafter sever their connections with the NSDAP.
 8. All executive officials of the Reich Food Estate (Reichsnahrstand) who are not included in the category of Major Offender, and executives of its "Regierungsforschaemter".
- E) The Organization of the NSDAP
1. Waffen SS — All members not included in the category of Major Offender (except those who were conscripted into this organization unless they were promoted to Unteroffizier after their induction); the personnel of the concentration camps insofar as they are not included in the category of Major Offender.
 2. Allgemeine SS and its other Organizations — All members not included in the category of Major Offender, including sponsoring members (foerdernde Mitglieder) who joined as such after 31 December 1938, or who in case of prior joining paid fees of more than RM 10,- per month or who made any other substantial contribution to the SS.
 3. SA — All officers down to and including the rank of Unteroffizier, insofar as they have served in the SA in this capacity, if not included in the category of Major Offender, as well as members who joined the SA before 1 April 1933.
 4. HJ and BDM — All officers not included in the category of Major Offender down to and including confirmed full-time non-commissioned officers. All officers of the HJ and the Deutsches Jungvolk in the field of education and information and all members of the "Schnellkommandos" (HJ-Streifendienst) under the control of the SS, who were born after 1 January 1919.
- Note: See Appendix "A", Part I, Section E para 4) regarding major offenders for comparison with this section regarding offenders.
5. NSK — All officers down to and including the rank of Sturmfuehrer, if not included in the category of Major Offender.
 6. NSFK — All officers down to and including the rank of Sturmfuehrer, if not included in the category of Major Offender.
 7. NS-Deutscher Studentenbund — All office holders, if not included in the category of Major Offender.
 8. NS-Dozentenbund — All office holders, if not included in the category of Major Offender.

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9. NS-Frauenschaft — All office holders down to and including Block-Frauenschaftsleiterin, if not included in the category of Major Offender.

F) Affiliated Organizations of the NSDAP

1. Deutsche Arbeitsfront including "Kraft durch Freude".
 - a) All office holders not included in the category of Major Offender.
 - b) All executive office holders of the Arbeitswissenschaftliches Institut.
 - c) All Betriebsobmaenner, Betriebswartes and Betriebswalter in enterprises of the DAF.
2. NS-Volkswohlfahrt — All office holders not included in the category of Major Offender.
3. NS-Kriegsopferversorgung — All office holders not included in the category of Major Offender.
4. NS-Bund Deutscher Technik — All office holders not included in the category of Major Offender.
5. Reichsbund der Deutschen Beamten — All office holders not included in the category of Major Offender.
6. NS-Deutscher Aerztekongress — All office holders not included in the category of Major Offender.
7. Reichsbund Deutscher Schwestern — NS-Schwestern (brown nurses). All office holders.
8. NS-Lehrerbund — All office holders not included in the category of Major Offender.
9. NS-Rechtswahrerbund — All office holders not included in the category of Major Offender.

G) Supervised Organizations of the NSDAP

1. NS-Altherrenbund — All office holders not included in the category of Major Offender.
2. Reichsbund Deutscher Familie — All office holders not included in the category of Major Offender.
3. Deutscher Gemeindetag — All office holders not included in the category of Major Offender.
4. NS-Reichsbund fuer Leibesuebungen — All office holders not included in the category of Major Offender.
5. All office holders of the following organizations:
 - a) Deutsches Frauenwerk,
 - b) Deutsche Studentenschaft,
 - c) Deutscher Dozentenbund,
 - d) Reichsdozentenschaft,
 - e) Deutsche Jaegerschaft.

H) Other Nazi Organizations

1. Reichsarbeitsdienst (RAD) — All officers down to and including the rank of "Feldmeister" of the male unit and "Maidenfuehrerin" of the female unit insofar as they are not included in the category of Major Offender.
2. Reichskolonialbund — All office holders since 1 January 1935 if not included in the category of Major Offender.
3. Volksbund fuer das Deutschtum im Ausland — All office holders appointed since 1 January 1935 if not included in the category of Major Offender.
4. NS-Reichskriegerbund (Kyffhaeuserbund) — All executive officials down to and including the Kreis level.

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5. Reichskulturkammern etc. and subordinate offices and branches (Reichsschrifttumskammern, Reichspressekammer, Reichsrundfunkkammer). All office holders if not included in the category of Major Offender.
6. Deutscher Fichtebund — All members if not included in the category of Major Offender.
7. Reichssicherheitsdienst — All members if not included in the category of Major Offender.
8. All office holders of the following institutes:
 - a) Institut zur Erforschung der Judenfrage,
 - b) Weltdienst,
 - c) Deutsche Akademie Muenchen,
 - d) Staatsakademie fuer Rassen- und Gesundheitspflege,
 - e) Amerika-Institut,
 - f) Osteuropaeisches Institut,
 - g) Ibero-Amerikanisches Institut,
 - h) Deutsches Auslands-Institut.

I) The Nazi Party Decorations

1. Coburg Badge — All holders.
2. Nuremberg Party Meeting Badge of 1929 — All holders.
3. Badge of the SA-Meeting Braunschweig of 1931 — All holders.
4. Golden HJ Badge (Golden Hitler Youth Badge) — All holders.
5. NSDAP Service Medals — All holders if not included in the category of Major Offender.
6. Gau Ehrenzeichen of the NSDAP (The Gau Badges of honour) — All holders

K) Government officials

1. All officials of the Foreign Office (Embassies, Legations, General Consulates, Consulates and Missions) in the rank of a Ministerialrat or in the position of an attache.
2. All officials in higher positions who had been promoted to such offices otherwise than by normal advancement after 1 April 1933 and without having professional qualifications.
3. All officials who occupied the following positions since 1934:
 - a) Bevollmaechtigter,
 - b) Inspekteur,
 - c) Trustees of Labor and of other fields and their deputies,
 - d) Kommissar,
 - e) Deputies of the holders of titles and positions included in the category of Major Offender,
 - f) Reichseinsatzingenieure and Arbeitseinsatzingenieure,
 - g) Obmann including Ruestungsobmann.
4. All members of the German Reichstag or of the Prussian Staatsrat since 1 January 1934.
5. All officials of the Reichsministerium for Public Information and Propaganda and executives of its Regional offices and auxiliary offices down to and including Kreis level, as well as all employees of Nazi offices who participated in political propaganda in word or script.
6. The officials in the Hoher Dienst of the Reichsministerium for Armament and War Production, Kirchenministerium, the Gauwohnungskommissare and their deputies.
7. Oberfinanzpraesidenten.
8. Regierungspraesidenten, Landraete und Buergermeister.

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L) The German Armed Forces and Militarists

1. NS-Fuehrungsoffiziere — All officers, regardless of whether they were professional or reserve officers, not included in the category of Major Offender.
2. General Staff Officers — All officers serving as General Staff Officers since 4 February 1938 not included in the category of Major Offender.
3. All military and civilian officials with special authority, including heads and deputies of any functional or regional divisions in the military or civil administration of occupied countries and territories, as well as executive officials of RUK (Armament and war production) except those included in the category of Major Offender.
4. All officials of the Raw Material Trade Association (Rohstoffhandelsgesellschaft).
5. Military Commanders and their deputies in cities and townships.
6. Die Wehrmacht — All regular officers of the Deutsche Wehrmacht down to and including the rank of General-major or equivalent rank, provided they were promoted to this rank after 1 June 1936, and all Wehrmacht officials down to the professional rank of Oberst.
7. Organisation Todt (OT). Transportgruppe Speer — All officers down to and including the rank of "Einsatzleiter".
8. All members of the training staffs and executive officials of the War academies and Kadettenanstalten.
9. All professors, speakers and authors in the field of military science since 1933.
10. All members of the Schwarze Reichswehr and all members of the Freikorps who became members of the NSDAP insofar as they are not included in the category of Major Offender.

M) Private Business and Professions

1. Wehrwirtschaftsfuehrer — All Wehrwirtschaftsfuehrer appointed by the Ministry of Economics not included in the category of Major Offender.
2. Wirtschaftskammern — All executive officials of Economic Chambers not included in the category of Major Offender.
3. Reichsgruppen der gewerblichen Wirtschaft — All executive officials of the groups, main committees, special committees, main rings and special rings.
4. Reichsverkehrsgruppen — All executive officials of Transportation Groups.
5. Wirtschaftsgruppen — All executive officials of Economic Groups.
6. Reichsvereinigungen (Reich Associations) — All executive officials of the Reichsvereinigungen, including department heads and chairmen, deputies, managers of the main committees, special committees, main rings and special rings.
7. Werberat der Deutschen Wirtschaft (Advertising Council of German Economy) — All executive officials not included in the category of Major Offender.
8. Policy making officials of the Reich Allocation Offices (Reichstellen) and subordinate allocation offices (Bewirtschaftungsstellen).
9. Business enterprises including financial institutions in which the Reich, the NSDAP, or any of its formations or

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affiliated organizations had at any time since 1 April 1933 an interest representing actual or working control — All presidents, members of the boards of supervisors or directors, managing directors and managers.

10. I. Private enterprises in industry, trade, commerce, handicraft, agriculture and forestry, banking, insurance, transportation, etc. —:

Enterprises which because of capital invested, the number of their employees, the kind of production, or for any other reason are, of themselves, important and essential: —

All proprietors, owners and leaseholders, partners, including shareholders holding a share of more than 25%, chairmen of the executive or supervisory boards, or other persons having a decisive influence on the management, insofar as such persons were members of the NSDAP or of any of its formations, or, without having been members, owed their position to their connections with the NSDAP.

II. Non profit enterprises and charitable institutions: Enterprises which are of great importance because of their size of activity.

All executives, business managers, members of boards of directors and of boards of supervisors, advisers and other persons who have a decisive influence on the business management or perform any supervisory function, insofar as they were members of the NSDAP or of any of its formations, or, without having been members, owed their position to their connections with the NSDAP.

11. Professions (Physicians, lawyers, pharmacists, architects, engineers, artists, authors, journalists and so on):

a) All executives, members of boards of directors, business managers, executive employees and members of the chambers of professional and social agencies including the court of honor, and all councillors admitted to practice before the Party courts, SA or SS courts.

b) Other members of professions who by reason of their membership in the NSDAP or of any of its formations derived special advantages.

N) Jurists

1. Managers and Treasurers of the Akademie fuer Deutsches Recht (Academy for German Law).
2. Chairmen, other regular judges and the regular executives of the public prosecutors office of special courts.
3. Chairmen, judges and public prosecutors of military courts (Standgerichte).
4. Presidents and Vicepresidents
 - a) of the Reichspatentamt,
 - b) of the Reichsversicherungsamt and the Reichsversorgungsgericht,
 - c) of the Landeserbhofgericht in Celle.
5. Vicepresidents and Senatspresidents of the Reichsgericht who were appointed after 31 December 1938, and regular members of the Oberster Dienststrafsenat of the Reichsgericht.

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6. Vicepresidents
 - a) of the Reichserbgesundheitsgericht,
 - b) of the Reichsfinanzhof,
 - c) of the Reichsrechtsanwaltskammer,
 - d) of the Reichsnotarkammer,
 - e) of the Reichspatentanwaltskammer,
 - f) of the Reichskammer fuer Wirtschaftspruefer,
and all regular members of the Oberste Ehrengerichtshoefe
for lawyers, patent attorneys, notaries and Wirtschafts-
pruefer.
7. Presidents of the Oberlandesgerichte and Generalstaatsan-
waelte if not included in the category of Major Offender
and Vicepresidents of the Oberlandesgerichte.
8. Presidents of the Dienststrafkammern for judicial officials.
9. Presidents of the Landesgerichte.
10. Oberstaatsanwaelte of the Landgerichte.
11. Personalreferenten of the courts.
12. Full-time executives and regular members of the Pruefungs-
stellen of the Reichsjustizpruefungsamt.
13. President of the Rechtsanwaltskammer, Notarkammer and
Patentanwaltskammer in the districts of the Oberlandes-
gerichte.
14. Presidents and Vicepresidents
 - a) of the Fideikommissgericht,
 - b) of the Schiffahrtsbergericht,
 - c) of the Oberprisenhof.
15. Presidents and Vicepresidents and regular members of the
Courts of Honour of the free professions at Reich and Gau
level.

O) Other Groups of Persons

1. NCO's of Stosstrups and Werkscharen within business
establishments.
2. Persons who held the office of Vertrauenslehrer or Jugend-
walter in any type of school.
3. Rectors of universities and chairmen of the board of
curators, heads of teacher's training colleges and heads of
institutions of university level appointed since 1934 if not
included in the category of Major Offender.
4. All other persons who have propagated the National
Socialistic or Fascistic "world philosophy".
5. Persons who after 1 April 1933 have applied for or adopted
German nationality or acquired same in a way other than
by annexation laws or by marriage or adoption.

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Appendix 'A'

PART III

The following is a list of categories of persons who will be carefully investigated and, if there is evidence of guilt in accordance with the provisions of paragraphs I and II of Article 4 of this Directive, will be charged as lesser offenders and punished if found guilty:

1. Applicants for membership in the SS or its formations;
2. Members of SA after 1 April 1933;
3. Members of HJ or BDM prior to 25 March 1939;
4. NCO's of RAD of a rank below Feldmeister or Maidenfuehrerin;
5. Members of NSDAP after 1 May 1937 and all Applicants for membership in the NSDAP,
6. Persons who were officials in the field of education or press who received extraordinarily rapid promotion after 1 May 1939;
7. Persons who have profited by acceptance or transfer of property incidental to the spoilation of formerly occupied territories, "Aryanizing" or confiscation of property on political, religious or racial grounds;
8. Persons who have been employed in policy-making or executive positions in the Military or civilian administration of formerly occupied areas;
9. Persons who have made substantial contributions to the Party;
10. Members of political parties or organizations in Germany which supported the seizure of power by the NSDAP, such as the Tannenbergbund, Altdeutscher Verband;
11. Leading officials of the German Red Cross, particularly those who were appointed after 1 January 1933;
12. Members of the Deutsche Christenbewegung and Deutsche Glaubensbewegung;
13. Members of the NSK, NSFK, NSDStB, NSDoB, and NSF;
14. Holders of the Spanish Cross, of the Austrian, the Sudetendeutsche and the Memel Commemoration Medal, of the Danzig Cross, of the SA-Wehrsportabzeichen, of the Merit Medal of RAD;
15. Parents or guardians who expressed consent for the education of their children in Nationalpolitische Erziehungsanstalten, Adolf-Hitler-Schulen and Ordensschulen;
16. Persons, who gained financial advantages through the NSDAP;
17. Persons who due to National Socialistic influence escaped military service or active combat duty;
18. Employees of important enterprises in trade, industry, agriculture or finance with the title Generaldirektor, Direktor, President, Vicepresident, Geschaeftsfuehrer, Betriebsleiter, and all members of the Board of Directors, the chairmen and deputy chairmen of the Board of Supervision, Chief engineers and Oberingenieure in so far as they were policy-making technical personnel, and all persons with power to hire and fire employees.

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ANNEX M

FOURTH SESSION OF CFM, MOSCOW, 1947

AGREED SUBJECT: Denazification (Part I, 2., CFM/47/M/148)

ORIGIN : Report of Deputy for Germany

FOUR POWER AGREEMENT

The Control Council is directed

- (1) To take all appropriate measures to hasten the process of Denazification throughout Germany in accordance with Control Council Directives Nos. 24 and 38.
- (2) To complete as soon as possible the removal of former active Nazis and militarists from public and semi-public office and from positions of responsibility in important private undertakings and to study the possibility of fixing a date for the completion of this process.
- (3) To take all measures necessary to ensure that only those individuals are employed in a judicial capacity or as public prosecutors who are considered by reason of their political and moral qualities to be capable of assisting the development of genuine democratic institutions in Germany.
- (4) To concentrate upon and to hasten the bringing to trial of war criminals, members of Nazi criminal organizations and of active supporters of the Nazi regime, without requiring the indiscriminate trial of the mass of nominal members of the Nazi Party.
- (5) To take action in the near future through Zone Commanders to devolve upon the appropriate German authorities responsibility for carrying out Control Council Directives Nos. 24 and 38, by passing the necessary German legislation and to ensure through the Zone Commanders that the effect of the legislation so passed is such as to produce uniform treatment of all former Nazis and militarists corresponding to their degree of responsibility, while at the same time giving the German authorities discretion as to the precise methods by which they carry out this task.

(Page 2; CFM/47/M/148)

NOTE: The recommendations and decisions confirmed or taken by the Council of Foreign Ministers are transmitted to the Control Council for Germany and to the Commanders-in-Chief of the occupation forces of Germany for appropriate action within their spheres of competence.

(Page 4; CFM/47/M/148)

ACTION TAKEN BY CFM: Referred to Control Council as Directive for Action

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ANNEX N

PART II

MILITARY GOVERNMENT ORDINANCE APPLICABLE TO THE WHOLE OF THE BRITISH ZONE

ORDINANCE No. 69

Trial of members of Criminal Organizations

Whereas by Article 10 of the Charter of the International Military Tribunal annexed to the Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis signed at London on 8th August, 1945, by the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the United States of America, the Provisional Government of the French Republic and the Government of the Union of Soviet Socialist Republics, it is provided (i) that in cases where a group or organization is declared criminal by the said Tribunal the competent national authority of any Signatory shall have the right to bring individuals to trial for membership therein before national military or occupation courts and (ii) that in any such case the criminal nature of the group or organization is considered proved and shall not be questioned;

and whereas the International Military Tribunal set up under the said Charter at the first trial, held at Nuremberg, has declared to be criminal the members and officials of the groups and organizations (hereinafter called "the said Criminal Organizations") as set out in the First Schedule annexed hereto: -

Now it is hereby ordered as follows: -

ARTICLE I

Establishment of German Tribunals of First Instance

1. German Tribunals of first instance (hereinafter called Spruchkammern) will be established for the trial and punishment of members of the said Criminal Organizations.

2. The number of the Spruchkammern will be determined by the Central Legal Office for the British Zone.

ARTICLE II

Establishment of a Zonal German Tribunal of Second Instance

3. A Zonal German Tribunal of Second Instance will be established to hear and determine appeals by the Prosecution and by the accused persons from the Spruchkammern on questions of Law. This Tribunal will consist of a number of Senates (hereinafter called Spruchsenate). The number of such Spruchsenate shall be determined by the Central Legal Office.

ARTICLE III

Composition of the Spruchkammern and Spruchsenate

4. Each of the Spruchkammern will be composed of a Chairman who must be qualified to hold judicial office and two Lay Assessors.

5. Each of the Spruchsenate will be composed of a Chairman, who must be a Judge, and two members who must be qualified to hold Judicial Office.

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6. The Chairman of the Spruchkammern and all members of the Spruchsenate will be nominated by the Central Legal Office in consultation with the highest legal administrative authority (Oberste Justizverwaltung) in each Land. The two Lay Assessors on each Spruchkammer will be nominated by the appropriate Land Government.

7. No former member of the N.S.D.A.P. nor any person who has held office in any affiliated organization thereof may be Chairman or member of the Spruchkammern or Spruchsenate.

ARTICLE IV

Prosecution and Charge

8. The preparation of cases against members of the said Criminal Organizations and the prosecution thereof shall be the responsibility of the Central Legal Office.

9. The accused persons will be charged with having been a member of a criminal organization with knowledge that it was being used for the commission of acts declared criminal by Article 6 of the Charter of the International Military Tribunal, as specified in the Second Schedule to this Ordinance.

ARTICLE V

Penalties

10. Any person found guilty will be liable to any or all of the following penalties: -

- (a) imprisonment ('Efaengnisstrafe) for a term not exceeding 10 years;
- (b) forfeiture of property;
- (c) fine.

ARTICLE VI

Mitigating Circumstances

11. The Tribunals may take into account mitigating circumstances when determining the sentence to be awarded.

ARTICLE VII

Issue of Regulations

12. The Central Legal Office shall issue such regulations or orders as may be necessary or expedient for carrying this Ordinance into effect, including directions as to the maximum sentences to be imposed in relation to any rank or appointment held in any of the said criminal organizations, provided that in no cases shall any sentence of imprisonment exceed the maximum laid down in Article V hereof.

ARTICLE VIII

Effective Date

13. This Ordinance shall become effective on the 31st December, 1946.

BY ORDER OF MILITARY GOVERNMENT.

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FIRST SCHEDULE

Group A: Leadership Corps

- (i) Reichsleiter;
- (ii) Gauleiter;
- (iii) Kreisleiter;
- (iv) Ortsgruppenleiter;
- (v) Amtaleiter who were heads of offices on the staffs of the Reichsleitung, Gauleitung, or Kreisleitung.

Those members holding the positions enumerated above who became or remained members of the organization with knowledge that it was being used for the commission of acts declared criminal by Article 6 of the Charter of the International Military Tribunal, or who were personally implicated as members of the organization in the commission of such acts (excluding, however, those persons who were drafted into membership by the State in such a way as to give them no choice in the matter, and who had committed no such acts).

This group does not include persons who had ceased to hold the positions enumerated above before first September, 1939.

Group B: Gestapo and Sicherheitsdienst des Reichsfuehrers S.S. (commonly known as the S.D.)

- (i) All executive and administrative officials of Amt IV of the Reichssicherheitshauptamt (R.S.H.A.);
- (ii) All executive and administrative officials concerned with Gestapo administration in departments of the R.S.H.A. other than Amt IV;
- (iii) Local Gestapo officials who served inside and outside Germany including members of the Frontier Police (but excluding members of the Border and Customs protection and members of the Secret Field Police who do not fall within sub-paragraphs (i) and (ii) above) unless they were employed by the Gestapo for purely clerical, stenographic, janitorial or similar unofficial tasks;
- (iv) All officials of Amt III, VI and VII of the R.S.H.A.;
- (v) All other members (Angehörige) of the S.D. including all local representatives and agents, honorary or otherwise but excluding honorary informers who were not members of the S.S. and members of the Abwehr who were transferred to the S.D.

Those members holding the positions enumerated above who became or remained members of the organization with knowledge that it was being used for the commission of acts declared criminal by Article 6 of the Charter of the International Military Tribunal or who were personally implicated as members of the organization in the commission of such acts (excluding, however, those persons who were drafted into membership by the State in such a way as to give them no choice in the matter, and who had committed no such acts).

This group does not include persons who had ceased to hold the positions enumerated above before first September, 1939.

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Group C: S.S.

- (i) Members (Mitglieder) of the S.S. including members of the Allgemeine S.S., Waffen-S.S. and S.S.-Totenkopfverbaende (but excluding members of the S.S. Riding Units);
- (ii) members of the different police forces who were members of the S.S.

Those persons who had been officially accepted as members of the S.S. as enumerated above who remained members of the organizations with knowledge that they were being used for the commission of acts declared criminal by Article 6 of the Charter of the International Military Tribunal, or who were personally implicated as members of such organizations in the commission of such acts (excluding, however, those persons who were drafted into membership by the State in such a way as to give them no choice in the matter, and who had committed no such acts).

This group does not include persons who had ceased to belong to the organizations enumerated above before first September, 1939.

SECOND SCHEDULE

The Acts declared criminal by Article 6 of the Charter of the International Military Tribunal are: -

- (a) Crimes against peace: namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing;
- (b) War Crimes: namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity;
- (c) Crimes against humanity: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated.

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ANNEX O

ORDINANCE No. 79 (BRITISH ZONE)

Categorisation of less dangerous Nazis

WHEREAS by Control Council Directive No. 38 regarding the arrest of War Criminals, Nazis and Militarists and the internment, control and surveillance of potentially dangerous Germans it is provided that, in order to make a just determination of responsibility and to provide for the imposition of sanctions, the persons mentioned above should be classified in the five categories specified in the said Directive.

NOW in order to carry into effect the provisions of the said Directive in regard to such persons (other than militarists):

IT IS HEREBY ORDERED AS FOLLOWS: -

ARTICLE I

Composition of Categories

1. The First Schedule to this Ordinance contains the five categories specified in Article 1 of Control Council Directive No. 38 and the detailed composition thereof for the purpose of this Ordinance.

ARTICLE II

Categorisation of Certain Nazis

2. A German Denazification Panel established by Military Government in pursuance of Zonal Executive Instruction No. 3 (Revise) (hereinafter called "a Panel") shall finally place in category III, IV and V of the First Schedule hereto, all persons, whether or not they are employed or are seeking employment, who: -

- (a) appear before them for examination under the provisions of Zonal Executive Instruction No. 3 (Revise) or other Military Government Instruction, or
- (b) having had their Fragebogen examined prior to the date of this Ordinance, are referred to them by Military Government, or
- (c) have been released from internment and provisionally placed in Category III, IV or V of the First Schedule hereto.

3. A Panel shall not finally place any person in Category I or II of the First Schedule but shall, if it appears to it that any person examined under the provisions of paragraph 1 hereof ought to be placed in Category I or II, report all the facts of the case to Military Government.

4. A Panel shall not finally place in any category a person who has been previously classified as, or appears to it to be, a militarist as defined in paragraph 2 of Zonal Executive Instruction No. 54, but, if such a person appears before it, shall recommend to Military Government that he shall or shall not be removed or excluded from office, employment or professional practice.

ARTICLE III

Youth

5. Any person who was born on or after the 1st January, 1919, shall be placed in Category V and shall be freed from all restrictions in accordance with the provisions of Article VI hereof, unless there is clear evidence to show that he is exceptionally dangerous from a political point of view, in which case he shall be placed in Category III.

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ARTICLE IV

Restrictions on persons finally placed in Category III

6. A person finally placed in Category III:

(a) Political

- (i) shall not vote nor stand for election as a political candidate at any level;
- (ii) shall not hold a controlling or organising position in any political organization, and
- (iii) shall not take any active part in the Government of Germany or any political division thereof.

(b) Employment

- (i) shall be disqualified from occupying any Government or private position in policy-making or supervisory capacity, or wherein he would be responsible for the engagement or dismissal of the staff of any public or business enterprise, or:
- (ii) shall be permitted to remain in or take up any position mentioned in (b) (i) above, subject to stated limitations, or: -
- (iii) shall be ordered to retire from his present employment on a full or reduced pension, and may be subjected to stated limitations as to future work. Provided that in case a person is engaged in any enterprise having 20 employees or less, none of the restrictions set out in sub-paragraph (b) (i), (ii) and (iii) need be imposed on him.

(c) Property

shall have his property and accounts blocked under the provisions of Military Government Law No. 52.

(d) Movement

shall not leave the British Zone nor change his residence without the permission of Military Government, nor enter any other Zone of Occupation in Germany without the permission of the Commander of that Zone.

(e) Reporting to Police

shall report to the police at intervals of not less than 1 month nor more than 3 months.

ARTICLE V

Restrictions on persons finally placed in Category IV

7. A person finally placed in Category IV:

(a) Political

shall not stand for election as a political candidate at any level, but may vote;

(b) Property

may have his property and accounts blocked under the provisions of

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Military Government Law No. 52 by order of a Panel.

(c) Movement

shall not leave the British Zone without the permission of Military Government.

ARTICLE VI

Persons finally placed in Category V

8. There will be no restrictions upon the activities of persons finally placed in Category V, who shall be given a certificate in the form set out in the Second Schedule hereto.

ARTICLE VII

Alteration of Categories

9. A Panel may at any time after the final category of any person who has already been categorised by a Panel if:

- (a) it appears that a mistake has been made, or
- (b) further information becomes available rendering such an alteration desirable, or
- (c) they are required to do so by Military Government.

Provided that a person finally placed in Category V shall not be removed from that category and placed in a higher category unless there is evidence to show beyond all reasonable doubt that he ought to be in a higher category.

ARTICLE VIII

Review

10. Persons finally placed in Categories III and IV will have their cases reviewed two years after being so placed, and thereafter annually.

ARTICLE IX

Appeals

11. Where any person shall appeal to a German Review Board established in pursuance of the provisions of Zone Executive Instruction No. 3 (Revise) against his removal or exclusion from office under the terms of that Instruction, the German Review Board shall, when recording its decision make any recommendation as to his categorisation which may seem appropriate.

12. Any person whose Fragebogen has been examined before the date of the coming into force of this Ordinance and who has not appealed to a German Review Board against his removal or exclusion from office within the time limited by Zone Executive Instruction No. 3 (Revise) shall nevertheless be entitled to appeal to a German Review Board against any decision of a Panel which finally places him in Category III or IV under the provisions of this Ordinance.

ARTICLE X

Records

13. A Panel shall keep a register containing records of all cases dealt with

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and shall in addition keep a special register containing the names and particulars of all persons finally placed by it in Category V.

ARTICLE XI

Regulations

14. Military Government or the Land Governments with approval of Military Government may issue such regulations and instructions for carrying this Ordinance into effect as may be deemed necessary or expedient.

ARTICLE XII

Penalties

15. Any person who violates or fails to comply with the provisions of this Ordinance or any Regulation, Instruction or Direction issued by Military Government, or by any German Authority duly authorised by Military Government, for the purpose of carrying this Ordinance into effect, whether issued before or after the promulgation of this Ordinance shall upon conviction by a Control Commission Court, suffer such penalty (other than death) as the Court may determine, or upon conviction by a German Court, such penalty as that Court may determine and is empowered to impose.

ARTICLE XIII

Saving Clauses

16. (a) Nothing contained in this Ordinance, and no decision or order made hereunder by any Panel or German Review Board, shall be a bar to the prosecution under criminal law of any person who has appeared before a panel. No statement or admission made by any person before a panel or a German Review Board, whether upon his own examination or otherwise, shall be received in evidence against him in any Court of criminal jurisdiction except a German Tribunal upon the examination of any person alleged to be within the class described under Serial No. 17 of Category II of the First Schedule.
- (b) Nothing contained in this Ordinance and no decision or order made hereunder by any Panel or German Review Board shall operate so as to exclude from the provisions of Military Government Law No. 52 any property or accounts which would but for such decision or order, be blocked thereunder.
- (c) Nothing herein contained shall be construed so as to confer upon anyone a right to be retained in or to obtain any employment which he would not otherwise have.

ARTICLE XIV

Effective Date

17. This Ordinance shall become effective on 24 February 1947.

BY ORDER OF MILITARY GOVERNMENT.

APRIL 1948

DENAZIFICATION

THE FIRST SCHEDULE

TABLE OF CATEGORIES, PENALTIES, AND SANCTIONS.

APPENDIX "A"
To ZON/EI/(46)54

CATEGORY I (CRIMINALS)

Serial No.	Composition	Remarks
1	The Leadership Corps of the Nazi Party	Administrative officials of the Nazi Party as specified by the IMT: i.e. Gauleiters, Kreisleiters, Ortsgruppenleiters and Amtsleiters who were on the staffs of the Reichsleitung, Gauleitung or Kreisleitung.
2	GESTAPO and SD	(a) All executive and administrative officials of Amt IV of the R.S.H.A. (b) All executive and administrative officials concerned with Gestapo administration in Departments of the R.S.H.A. other than Amt IV (e.g. in Amt I or II). (c) Local Gestapo officials who served inside and outside Germany, including members of the Frontier Police (Grenzpolizei), but excluding members of the Border and Customs Protection and members of the Secret Field Police (G.F.P.) who do not fall in sub-paras. (a) and (b) above; also excluded are minor officials employed by the Gestapo for purely clerical, stenographical, janitorial or similar tasks. (d) All officials of Amt III, VI and VII of the R.S.H.A. (e) All other members (Angehörige) of the S.D., including representatives and agents, honorary or otherwise, but excluding honorary informers who were not also members of the SS and members of the Abwehr who were transferred to the SD.
3	Waffen SS	All members of the Waffen SS as specified by the IMT.
4	Allgemeine SS	All members of the Allgemeine SS as specified by the IMT.
5	Miscellaneous	Any individual, already held in or later taken into custody who is alleged and later proved to have committed a war crime, a crime against peace or a crime against humanity.

Note: - In accordance with the judgement of the IMT, the following members of the organisations listed in Serials 1 - 4 above are excluded from those Serials: (a) Those members who ceased to belong to the organisation before 1st Sept. 1939. (b) Those members who were drafted into the organisation by the State in such a way as to give them no choice in the matter and who have committed no criminal act.

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DENAZIFICATION

CATEGORY II (OFFENDERS)

Serial No.	Composition	Remarks
6	The Reich Cabinet	The German Government including any persons who at any time since 30 January, 1933 have been: (a) Reich Ministers, with or without portfolio (the heads of departments or ministries of the Central Government); State Ministers acting as Reich Ministers; and other officials entitled to take part in meetings of the Ordinary Cabinet. (b) Members of the Council of Ministers for the defence of the Reich. (c) Members of the Secret Cabinet Council.
7	Hitler Jugend and Indoctrination Leaders	(a) All Leaders (Fuehrer) down to and including the rank of Gefolgschaft-Fuehrer and all personnel of the H.J. Streifendienst. (b) All members of the training staffs of the Ordensburgen, Schulungsburgen, NAPOLAS and Adolf Hitler Schulen.
8	German Intelligence Service	(a) Members of Amts I and II not included in Serial 2 of Category I. (b) Abwehr officers (Militaeisches Amt) not qualifying for the definition of "Militarist".
9	SA	All officers down to and including the rank of Sturm-bann-Fuehrer.
10	National Socialist Aviation Corps (NSFK)	All officers down to and including the rank of Sturm-bann-Fuehrer.
11	National Socialist Motor Corps (NSKK)	All officers down to and including the rank of Staffelfuehrer.
12	National Labour Service (RAD)	All officers down to and including the rank of Arbeitsfuehrer.
13	Miscellaneous	(a) Any individual already held in, or later taken into, custody who is considered to be potentially dangerous to allied purposes. (b) Any individual transferred from Category I by a recognised tribunal.
14	Industrialists and Scientists	Highly qualified individuals who, by their training and experience, invent or develop new weapons or organise industry or manpower for anti-democratic or warlike purposes, if they are considered to be potentially dangerous on account of their disposition and political association in conjunction with their technical qualifications.

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DENAZIFICATION

Serial No.	Composition	Remarks
15	Police Officials	(a) All Government officials in the Police Hierarchy down to and including Regierungs- and Kriminal Direktoren. (b) All officers down to and including the rank of Colonel or equivalent in the Regular Uniformed Police.
16	Nazi Party Officials	(a) All administrative officials of the party down to Kreis level not included in Category I. (b) All members of the Party down to and including the rank of Abschnittsleiter.
17	Profiteers and others considered to be potentially dangerous	Any who during the Nazi regime gained or possessed substantial economic resources and used these resources for the advancement or maintenance of the Nazi regime; or any who, being already considered to be potentially dangerous as a result of their previous activities or connections, possess property or income sufficient to command a position of authority or influence in the social, economic or political life of Germany.

CATEGORY III (LESSER OFFENDERS)

Serial No.	Composition	Remarks
18	Individuals from Category I and II	Individuals released after completion of sentence or internment, or transferred from a higher category.
19	Individuals removed or excluded from Office	Any individual removed or excluded from Office under the implementation of Control Council Directive No. 24.
20	Miscellaneous	Particularly ardent National Socialist activists, irrespective of whether or not they were affiliated to the NSDAP.

CATEGORY IV (FOLLOWERS)

Serial No.	Composition	Remarks
21	Individuals from Higher Categories	Any individuals down-graded from a higher category after review.
22	Miscellaneous	National Socialist activists irrespective of whether or not they were affiliated to the NSDAP.

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DENAZIFICATION

CATEGORY V (PERSONS EXONERATED)

Serial No.	Composition	Remarks
23	Individuals Charged or assessed under categories I-IV and considered harmless	<p>(a) Any individual down-graded from a higher category.</p> <p>(b) Any individual who has appeared before a British Review Board or a recognised German Tribunal (including Panels and Review Boards), and has then been completely exonerated.</p>

NOTE: The object of this category is to ensure that persons who have been through the denazification and categorization machinery and have been cleared or down-graded into this category have proof of such clearance of down-grading.

SECOND SCHEDULE

ANNEXURE I
to APPENDIX "B"
to ZON/EI(46)54

CLEARANCE CERTIFICATE

Certified that Name

Address

Identity Card No.

has been cleared under the provisions of Article VI of Mil. Gov. Ordinance No. 79.

Date

Place Signed

Chairman

*Denazification Panel

*Public Safety(Special Branch).....

* Delete whichever does not apply.

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DENAZIFICATION

ANNEX P

ORDINANCE No. 110 (BRITISH ZONE)

Transfer to the Land Governments

of Responsibility for Denazification

WHEREAS the Denazification policy of the Occupying Powers has been established by Control Council Directives 24 and 38 and has hitherto been carried out in the British Zone of Control by and under the direction of Military Government;

AND WHEREAS the political parties in Germany are united in their determination to remove the Nazi influence from German life;

AND WHEREAS the progress made is such that the four Occupying Powers have agreed, at the 4th Council of Foreign Ministers at Moscow on 23rd April, 1947, to transfer to the Land Governments the responsibility for maintaining the policy and continuing and concluding the process.

NOW IT IS HEREBY ORDERED AS FOLLOWS: -

ARTICLE I

1. Except as hereinafter provided the policy and terms of Control Council Directives Nos. 24 and 38 shall hereafter be carried out by the Governments of the Laender. The Schedule to this Ordinance indicates the composition of Denazification Categories III, IV and V and specifies the sanctions applicable to them.

2. The Legislature of a Land shall, subject to the provisions of Articles III and IV of Military Government Ordinance No. 46, pass laws carrying out the provisions and policy of the said Directives and of any future Control Council Directives relating to Denazification. Such laws shall provide for the recognition in the Land of the Denazification decisions of other Laender.

3. Such laws shall be valid only to the extent that they are not inconsistent with Control Council Laws or Directives or Military Government legislation.

They may, however, amend Articles II, VII, IX and X of Military Government Ordinance No. 79 provided that the principles laid down in paragraph 3 of Article II of that Ordinance are maintained.

4. Any provision of Military Government Ordinance No. 79 or of Zone Executive Instructions Nos. 3 and 54 inconsistent with the present Ordinance is repealed or amended to the extent of such inconsistency.

5. Subject to the provision of Control Council Laws and Directives and of legislation enacted by Military Government or by the Land Legislature, the Land Governments

(i) Shall

(a) Administer the law relating to denazification and for such purposes make such regulations and issue such orders as may be necessary or desirable;

(b) Establish agencies for the imposition and collection of fines and the infliction and enforcement of forfeiture of property in the case of profiteers and other persons coming within Serial No. 17 of Appendix "A" to Z.E.I. No. 54. The proceeds from all fines and forfeitures shall be paid into special blocked accounts pending instructions from Military Government.

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(ii) May

- (a) Alter or revoke existing zonal instructions, regulations and other provisions made for the purpose of denazification;
- (b) Establish or maintain such agencies for the purposes of classification of persons, imposition of sanctions and review as may be necessary or desirable and for this purpose confer upon any agency appointed by them the powers and duties exercised by Denazification Panels under Military Government Ordinance No. 79;
- (c) Impose, within the terms of the said Control Council Directives, upon Lesser Offenders and Followers as therein defined, the sanctions set out in the schedule to this Ordinance;
- (d) Subject to paragraph 3 of this Ordinance move one person from one category into another, whether higher or lower, and place any person in a lower category on probation.

ARTICLE II

Reservations

6. The categorisation of former members of the German Armed Forces and the imposition of sanctions on them for the purposes of demilitarisation are reserved to Military Government.

7. The administration of Civil Internment Camps the trial, categorisation and periodic review of their inmates together with the trial, categorisation and periodic review of all other Category I and II cases are reserved to Military Government.

8. The right to require the reconsideration of a case in the light of fresh evidence or if it appears that injustice has been done, is reserved to Military Government.

9. The responsibility of supplying other Zone Commanders with particulars of the measures adopted for the administration of the said Control Council Directives is reserved to Military Government.

10. Nothing in this Ordinance shall be deemed to limit the power of the Regional Commissioner to take such action as he may find necessary to ensure the observance for the purposes of the occupation of Control Council Directives 24 and 38.

11. Nothing in this Ordinance shall be deemed to affect the declaration made on 10th October, 1946, closing the process of removals in the Coal Mining Industry, or the procedure established in Appendix "D" to Zone Executive Instruction No. 3 for the Denazification of the Farming Industry.

12. Cases closed by Military Government shall not be re-opened except: -

- (i) in the normal course of periodic review; or
- (ii) if the Fragebogen has been falsified; or
- (iii) by permission of Military Government, but such permission will not be given after 31st December, 1947.

ARTICLE III

General Provisions

13. The Land Government shall appoint one Minister to be responsible to the

DENAZIFICATION

Landtag for the administration of the law relating to Denazification, and such Minister or some one person appointed by and responsible to him shall administer the laws and regulations relating thereto.

14. The Land Governments shall ensure that the process of removal from office or appointment in accordance with Control Council Directive No. 24 is completed by the 1st of January, 1948.

15. The leaders of the Churches shall be fully consulted before any change is made in the existing procedure for the Denazification of the Clergy.

16. The Land Governments shall furnish to Military Government reports on the progress of Denazification.

ARTICLE IV

Effective Date

17. This Ordinance shall come into effect on 1st October, 1947.

BY ORDER OF MILITARY GOVERNMENT.

SCHEDULE

To be interpreted in the light of Directive 38

1. CATEGORY III - LESSER OFFENDERS

Composition	Remarks	Sanctions
Certain individuals from Categories I and II	Individuals released after completion of sentence or internment, or transferred from a higher category.	(a) Political (i) Debarred from standing as candidates for election at any level, or from taking an active part in government. (ii) Persons in Category III may NOT vote.
Individuals removed or excluded from office.	Certain individuals removed or excluded from Office under the implementation of Control Council Directive No. 24	(b) Employment (i) Prohibition from occupying any Government or private position in a policy making or supervisory capacity, or in any capacity which involves the engagement of personnel in any public or business enterprise; or (ii) Retention in or permission to take up employment but in a reduced status; or (iii) Retirement on full or reduced pension.

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DENAZIFICATION

Composition	Remarks	Sanctions
		<p>NOTE: --The imposition or not of one of the above employment sanctions will be discretionary in the cases of persons connected with certain enterprises such as small undertakings of craftsmen, retail shops, farms and like undertakings having less than 20 employees.</p>
	(c) Fines, Blocking of Property and Accounts	<p>Fines may be imposed upon persons in Category III. Until such time as suitable administrative machinery is established however for the assessment, imposition and collection of these fines, all persons in Category III will have their property and accounts blocked for as long as they remain in this category.</p>
	(d) Movement	<p>The following movement sanctions may be imposed:</p> <ul style="list-style-type: none">(i) Obligations to report to the Police at intervals of not less than one month and not more than three months.(ii) Prohibition to change residence without permission.
2. CATEGORY IV - FOLLOWERS		

Certain individuals from higher categories	Certain individuals down-graded from a higher category after review.	(a) Political Persons in Category IV may not stand for election at any level but they may vote.
Miscellaneous	National Socialist Activists irrespective of whether or not they were affiliated to the NSDAP.	(b) Fines, Blocking of Property and Accounts Fines may be imposed on certain persons in Category IV. Until such time as suitable administrative machinery is established, however, for the assessment, imposition and collection of these fines, those affected in Category

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DENAZIFICATION

Composition	Remarks	Sanctions
		<p>IV may have their property and accounts blocked for as long as they remain in this category.</p> <p>(c) Employment The following employment sanctions may be imposed on those in Category IV:-</p> <ul style="list-style-type: none">(i) They may be excluded from certain specified professions;(ii) They may be retained in employment either in a reduced status or subject to promotion restrictions;(iii) They may be retired on full or reduced pension

3. CATEGORY V - PERSONS EXONERATED

Individuals charged or assessed under Categories I-IV and considered harmless

- (a) Any individual downgraded from a higher category.
- (b) Any individual who has appeared before a British Review Board or a recognised German Tribunal (including Panels and Review Boards), and has then been completely exonerated.

NOTE: - The object of this category is to ensure that persons who have been through the Denazification and Categorisation machinery and have been downgraded into this category have proof of such downgrading. It is not, however, intended that those who have been active opponents of the Nazi Party or who have had no association with the Party should be placed in this category. Land Governments are free to issue special certificates to such people, should it be necessary for them to have documentary proof of their freedom from liability under the Denazification legislation.

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4. YOUTHS

Youths (those born on or after 1 January 1919) should, as a general rule, be placed in Category V, unless there is strong evidence to show that they are exceptionally dangerous from a political point of view in which case they will be placed in Category III.

5. NOMINAL NAZIS

The object of these measures is to exclude Active Nazis as defined in Control Council Directive 24 from positions of authority in public life and from posts of a policy making, managerial or supervisory nature in important private undertakings, and to impose suitable penalties and sanctions upon them. It is not intended that the mass of the nominal members of the Party should be affected. Adequate definitions of the Active Nazi are given in Control Council Directive 24. Every effort will be made to ensure that the spirit of this Directive is maintained.

DENAZIFICATION

ANNEX Q

TRANSLATION

From the "Taegliche Rundschau," Soviet Occupation Organ,
17 August 1947

ORDER

Issued by the Supreme Commander of the Soviet Military Administration

Commander-in-Chief of Soviet Occupation Forces in Germany

No. 201

Rules for the Application of Directives No. 24 and No. 38 of the Control Council on Denazification

Beginning at the moment of the unconditional surrender of Germany much has been done in the Soviet occupation zone for the cleaning of public authorities, government and important private enterprises of former active fascists, militarists and war criminals, and for the replacement of these persons by men who are able to assist in the democratic reconstruction of Germany in the interest of the German people.

By means of the Land reform landed property of junkers, fascists and war criminals was transferred to the hands of farmers. Credit and banking institutions as well as private enterprises of former active fascists and militarists became property of the people. Thus, in the Soviet occupation zone, the fundaments of fascism, militarism and reaction have been greatly shaken.

Under these circumstances it is absolutely necessary, corresponding to the decisions of the fourth meeting of the foreign ministers in Moscow, to make a difference between former active fascists, militarists, and persons who are really guilty of war crimes and crimes of a different nature committed by the Nazis on the one hand, and nominal, non-active fascists who are able to break with the fascists ideology and together with the democratic classes of the German people participate in the general efforts at the reconstruction of a peaceful, democratic Germany on the other. A general legal prosecution of all former nominal, non-active members of the Nazi Party would only badly affect the cause of Germany's democratic reconstruction and contribute to the fortification of the position of the remainder of fascist and military reaction.

On account of Article 5, part 1, of Directive No. 38 of the Control Council and the wishes of the antifascist democratic parties, which represent the public of the Soviet zone, I decree the following order:

1) Former members of the Nazi party who did not commit crimes against peace and the security of other nations, or by means of crimes violated the German people themselves, will not only be granted the active right to vote, but also the passive one.

Ordinances, regulations and instructions on the limitation of political and citizen rights of persons belonging to the above-mentioned categories issued by German administrative organs or the organs of the Soviet Military Administration of the Soviet occupation zone will be abrogated.

2) German administrative organs and denazification boards will be obliged to take steps necessary for the speed-up and the conclusion of denazification in the Soviet occupation zone corresponding to the Directive No. 24 and No. 38 of the Control Council and this order.

3) German legal organs will be obliged to concentrate their attention on steps being taken for legal prosecution and speed-up scrutiny of war criminals, members of criminal organizations, and leading personalities of the Hitler regime; at the same

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DENAZIFICATION

time a general legal prosecution of all nominal, non-active members of the Nazi Party will be not admissible.

4) German administrative organs will be instructed to remove within three months all former active fascists and militarists from all public and semi-public posts and corresponding positions in private key enterprises.

5) German administrative organs will be obliged not to carry out any confiscations, property sequestrations and compulsory evacuations from dwellings of former fascists on account of orders decreed by authorities other than legal or corresponding administrative organs.

6) It will be determined that denazification boards continue their activity only at the central points of districts, the capitals of the laender, and cities belonging to the laender; the competence of these commissions will include the scrutiny of cases connected with crimes committed by former active members of the Nazi party.

The selection of personnel of the newly-to-be-formed denazification commissions will be left to the local organs of German self-government and be confirmed by superior German administrative organs and the leading organs of the Soviet Military Administration of the Laender. As members of the commission may be admitted only those persons who have actually proven their democratic attitude and according to their moral and political qualities are able to guarantee a just solution of these questions.

7) Scrutiny of cases turned over to the courts by denazification boards, prosecutors or other corresponding organs for investigation of the guilt or for the punishment of war criminals, former Nazis, militarists, profiteers and industrialists who inspired and supported the Nazi regime, will be carried out by German courts by use of the sanctions provided by Directive No. 38 of the Control Council. The competence of the court will depend on the residence of the accused. The investigation of extraordinarily important cases will be made by military government courts by order of the corresponding organs of the Soviet Military administrations.

8) All cases of crimes mentioned in Directive No. 24 and No. 38 will be turned over to German investigation authorities.

9) Responsibility for the execution of this order, as well as the execution of Directives No. 24 and 38 will be transferred to German internal and legal administrations and to the laender governments of the Soviet occupation zone.

The general control of the execution of this order will be vested in the administrative chiefs of the Soviet Military Administration of the laender.

10) The Staff of the Soviet Military Administration is authorized to issue instructions concerning the application of this order.

sgd.:

Supreme Commander of the Soviet Military Administration -
C.i.C. of the Soviet Occupation Forces in Germany

Marshal of the Soviet Union V. Sokolovsky

Chief of Staff of the Soviet Military Administration in Germany

Lt. Gen. G. Lukjantschenko

Berlin, 16 August 1947 (SNB)

WEEKLY INTELLIGENCE REPORT
No. 67
23 August 1947

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DENAZIFICATION

ANNEX R

BK/O(46) 101

28 February 1946

SUBJECT: Denazification

TO : Oberbuergermeister, City of Berlin

The Allied Kommandatura Berlin orders as follows:

1. To publish and post the attached order on denazification for the information and guidance of the public.
2. To carry out the provisions of said order in all phases of the city administration, and
3. To make said order and all other laws and directives on the same subject available at the Magistrat, the Bezirksaemter and any other offices where said order and other laws and directives may be required in effectuating the provisions of said order.
4. Acknowledge receipt of this order, quoting number and date.

BK/O(46) 101a

28 February 1946

ORDER

In order to eradicate completely the influence of National Socialism and militarism from the institutions and economic life of Berlin and to promote the development of true democratic institutions it is ordered that:

1. It is unlawful without special permission of the Allied Kommandatura for any branch of the administration, any public or private undertaking, or any individual to employ or retain in any supervisory or managerial capacity or in any capacity which involves the control of personnel, any member of the Nazi party who has been more than a nominal participant in its activities or any other person who is hostile to the Allied purposes.
2. Persons are to be dismissed from the employment as more than nominal participants in the activities of the NSDAP or as hostile to Allied purposes when they have:
 - (i) Joined the NSDAP or were accepted for membership before membership became compulsory in 1937.
 - (ii) Held office or otherwise been active at any level from local to national in the Party and its subordinate organizations or in organizations which further militaristic doctrines.
 - (iii) Authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations.
 - (iv) Been avowed believers in Nazism or racial and military creeds, or
 - (v) Voluntarily given substantial moral or material support or political assistance of any kind to the Nazi Party, officials and leaders.
3. Further guidance as to the persons who are to be treated as active National Socialists, militarists or as hostile to the Allied purposes will be contained in the regulations to be issued which will be available at each Bezirksamt. (Denazification Regulations No. 1)

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4. Such persons may be employed in some organization other than from which they have been removed, in ordinary work or service whether skilled, unskilled, or clerical in an inferior position, or may practise their profession or trade in a private capacity, provided they do not employ or supervise other persons.

5. They will be replaced by persons who by their political and moral qualities have shown themselves capable of assisting in developing genuine democratic institutions in Germany.

6. Persons removed from public office will not be entitled to the benefit of any pension or any other Civil Service rights.

7. Any person removed or refused employment by reason of the provisions of paragraph 2 who claims that he was only a nominal participant in the activities of the NSDAP and is not a militarist and is not hostile to the development of a genuine democratic tradition in Germany may appeal to the Allied Kommandatura through the Denazification Commission of the Verwaltungsbezirk and the City of Berlin for a declaration that he may still be employed. (Denazification Regulations No. 2)

8. Every public or private undertaking will render by 15 March through their Bezirksamt a list of all persons removed since 30 April 1945, together with the reasons for dismissal, in the manner specified in Denazification Regulations No. 3. Persons practising for their own account, or who are at the time unemployed who are affected by this order shall deliver in respect of themselves the particulars required by this Regulation.

9. No action taken against the property of persons dismissed under this order will be lawful without the authority of the Sector Military Government.

10. Any failure to comply with any of the provisions of this order will render both the undertaking and the responsible individuals, liable to prosecution in the Military Courts for disobedience of an order of the Allied Kommandatura.

11. Acknowledge receipt of this order, quoting number and date.

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DENAZIFICATION

ANNEX S

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
Office of the Military Governor
Berlin, Germany
APO 742

AG 383 (CA)

27 March 1948

SUBJECT: Expediting Completion of Denazification Trials in the US Zone

TO : Directors, Office of Military Government for Bavaria
Office of Military Government for Hesse
Office of Military Government for Wuerttemberg-Baden
Office of Military Government for Bremen
Office of Military Government for Berlin Sector*

*For information only

1. PURPOSE:

It is the purpose of this directive to establish policy and procedures for Military Government and German denazification agencies for the acceleration of the completion of denazification trials in the US Zone. It is essential from the standpoint of Military Government objectives in Germany that this program be finished rapidly.

2. Military Government has approved the attached amendments to the Law for Liberation, proposed by the Landesrat, which give complete discretion to Public Prosecutors in instituting charges in those cases not yet tried. You will inform subordinate offices of Military Government of the attached amendments and the contents of this directive, authorizing them to deliver copies of the amendments to the Public Prosecutors in their jurisdiction.

3. You will direct Liaison and Security Offices, assisted by Land Denazification officers to contact Public Prosecutors and Tribunals locally to explain and interpret the attached amendments and to offer continuing advice, guidance and direct assistance in the selection of the relatively few heavily incriminated cases to be tried formally and the disposition of the remainder under expedited procedure.

4. You will direct your Denazification Division and the Land Liaison and Security Offices under your jurisdiction to make available immediately on a loan basis to the Ministries and to the local tribunals the indigenous personnel of Special Branch Offices, including their office space and equipment, particularly to assist the German denazification agencies in the clerical and administrative work of their offices during the period until 1 May 1948.

5. You will relieve the personnel of your Denazification Division and all qualified Liaison and Security officers of all other duties until 1 May 1948, to enable them to provide continuous and personal assistance to the German denazification agencies at every level in expediting the completion of denazification trials.

6. The following cables and letter establishing Military Government controls on the denazification program are hereby rescinded:

a. Cable No V-10409, this headquarters, 15 November 1946;

b. Par 4, Cable No V-12966, this headquarters, 17 January 1947;

c. Cable No V-13930, this headquarters, 7 February 1947;

d. Letter, this headquarters, "Arrest by German Police of Members of Organizations Found Criminal by the International Military Tribunal," AG 250.3 (IA 9 July 1947).

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DENAZIFICATION

7. You are authorized to suspend, until 1 May 1948, the Military Government supervision and control of German denazification operations as outlined in Part 8 of Title 9 Military Government Regulations.

8. You will direct US Military Government personnel engaged in the denazification program to utilize Military Government facilities in the direct support of the German denazification program. Headquarters EUCOM has been requested to cooperate by issuing instructions to Post Commanders to assist with the means at their disposal, when requested by authorized Military Government personnel, in the completion of the denazification program.

9. Public Safety Branch, this headquarters, is hereby authorized direct command channels to Military Government personnel engaged in denazification operations, which authority is limited to the implementation of the policies and procedures set forth herein and which authority is terminated on 1 May 1948.

BY DIRECTION OF THE MILITARY GOVERNOR:

1 Incl: a/s w/translation
Telephone BERLIN 42583

/s/ G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General

DISTRIBUTION "L"

SECOND DRAFT LAW AMENDING CERTAIN PROVISIONS OF THE LAW FOR LIBERATION FROM NATIONAL SOCIALISM AND MILITARISM OF 5 MARCH 1946 (SECOND AMENDMENT)

Pursuant to Article II and III, Proclamation No 4, OMGUS, dated 1 March 1947, and to Proclamation No 2, OMGUS, dated 19 September 1945, the following Law, adopted by the Laenderrat after hearing the Parliamentary Advisory Council, is enacted and promulgated:

The Law for Liberation from National Socialism and Militarism dated 5 March 1946, in the version dated 7 October 1947, amending certain provisions thereof, is amended as follows:

ARTICLE I

Par 2, Item 4, Article 35, of the amended version of the Law for Liberation from National Socialism and Militarism, dated 7 October 1947, shall have the following version:

Notwithstanding the above provisions, the public prosecutor may, if justified by the results of his investigation in each case, move to allocate to the group of lesser offenders or followers those persons against whom the evidence does not appear to suffice to sustain a charge other than as lesser offender or follower.

ARTICLE II

Article 17 is supplemented by the following Item VIII:

The imposition of sanctions or the period of probation may be suspended in whole or in part if the respondent, by his general conduct, has already proved worthy or if the sanctions which must be imposed in accordance with the finding are disproportionate to the personal and economic restrictions to which the respondent has

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previously been subjected. Where no sanctions and no probationary period are imposed, the respondent may at once be allocated to the group of followers without subsequent proceeding under Item 2, Article 42.

ARTICLE III

Article 18 is supplemented by the following Item III:

"The provisions of Item VIII, Article 17, shall apply as pertinent."

ARTICLE IV

In Items 1 and 34, Article 58, of the amended version of the Law for Liberation from National Socialism and Militarism, dated 7 October 1947, the words "or II" shall be deleted.

ARTICLE V

The Law becomes effective on 25 March 1948.

Incl. 1 (1)

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ANNEX T

18 February 1947 (French Zone)

ORDINANCE NO. 79 from the C.i.C.

Relating to the Implementation of Control Council Directive No. 38

(Official Journal No. 56, 27 Feb. 1947)

The French C.i.C. in Germany,

In view of the Declaration of 5 June 1945 concerning the defeat of Germany and the assumption of supreme authority with regard to Germany by the Provisional Government of the French Republic, the Governments of the USA, the UK and the USSR,

In view of the Decree of 15 June 1945 amended by that of 18 October 1945 establishing a French High Command in Germany,

In view of Control Council Directive No. 24 on the elimination of Nazis from administration and responsible posts,

In view of Control Council Law No. 10 relating to the punishment of persons guilty of war crimes and crimes against Peace and Humanity.

In view of Control Council Directive No. 38 on the punishment of Nazis and militarists.

In accordance with a proposal from the Deputy Administrator General for the Military Government of the French Occupation Zone,

The Legal Committee in accord,

ORDERS THAT:

Art. 1 The implementation of Control Council Directive No. 38 be entrusted to the German governmental authority for each Land who shall, under the terms prescribed by the present ordinance, make the required provisions for legislation and regulations.

These provisions shall not interfere with the legislation in force for the repression of war crimes, crimes against humanity or common law crimes or offences or with provisions relating to the evocation or the reversal of legal decisions, which are expressly maintained.

Art. 2 With the exception of persons considered dangerous by Military Government to the security of the occupation troops and who are still subject to Military Government courts, persons specified by Directive No. 38 will be prosecuted and judged by special German jurisdictions.

The Presidency of each of these jurisdictions will be entrusted to a qualified jurist. Authorized Democratic Parties and Trade Unions, and if occasions arises, the professional group to which the tried person belongs, will be represented.

Art. 3 Without prejudice to the sanctions which may be imposed in the implementation of the present ordinance, decisions given in matters of purges and the loss of civic rights pronounced in electoral matters previous to the setting up of the jurisdictions specified above, should be regarded as established save in exceptional cases.

Art. 4 Sanctions determined by Directive No. 38 and Law No. 10 only, may be imposed by the special jurisdictions provided for in the preceding articles.

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Where a sentence is inflicted depriving a person of liberty, the administrative detention eventually undergone by the person concerned may be reduced under the same terms as detention under remand.

Art. 5 The present ordinance shall be published in the Official Journal of the French Command in Germany and executed as law in the French Occupation Zone.

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ANNEX U

2 May 1947 (French Zone)

ORDINANCE No. 92 from the C.i.C. on the Amnesty for Young People
(Official Journal No. 69, 5 May 1947)

The French C.i.C. in Germany,

In view of the declaration of 5 June 1945 concerning the defeat of Germany and the assumption of supreme authority with regard to Germany by the Provisional Government of the French Republic, the Government of the USA, the Government of the UK, the Government of the USSR,

In view of the Decree of 15 June 1945, on the establishment of a French High Command in Germany, amended by that of 18 October 1945,

In view of Control Council Directive No. 24 on the elimination of Nazis from administration and responsible posts, dated 12 January 1946 and its amendment dated 16 November 1946,

In view of Control Council Directive No. 38 on the punishment of Nazis and militarists dated 12 October 1946,

In view of Ordinance No. 4 from the French C.i.C. in Germany, dated 28 May 1946 on the establishment of electoral lists for German elections, with Implementation Order No. 61 from the Administrator General dated 29 May 1946,

In view of Ordinance No. 45 from the French C.i.C. in Germany, dated 28 May 1946, on the establishment of electoral lists for the Saar elections, with Implementation Order No. 62 from the Administrator General, dated 29 May 1946,

In view of Ordinance No. 79 from the French C.i.C. in Germany, relating to the implementation of Control Council Directive No. 38, dated 18 February 1947,

In accordance with the proposal made by the Deputy Administrator General for the Military Government of the French Zone of Occupation,

The Legal Committee in accord,

ORDERS THAT:

Art. 1 No purging measures shall be taken against persons born since 1 January 1919, owing to their membership in the National Socialist Party or its organizations, subject to the following provisions.

Art. 2 The provisions of the preceding article do not apply to: a) former members of the NSDAP, who have fulfilled functions or held the rank of: Zeilenleiter, and higher, for voluntary workers (ehrenamtlich) or noncombatants ranking with combatants; Arbeitsleiter, for officials paid by the Party (hauptamtlich) or noncombatants ranking with combatants; b) to former members of the SS, the Gestapo and the SD; c) to any persons having committed definite war crimes, crimes against humanity or common law crimes or offences.

Art. 3 Measures taken previously against those benefiting by the provisions of Art. 1 above in implementation of regulations in force relating to political purging, are automatically annulled by law.

This invalidity will be certified by the governmental organization dealing with purging in each Land.

No repayment of fines collected by the Laender will be made.

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With regard to disfranchisement or ineligibility, exclusions resulting from laws in force will not be applicable, against those concerned, after 1 July 1947.

Art. 4 Decisions given in implementation of the 2nd sub-paragraph of Art. 3 will be published in the Amtsblatt of the Land.

They will be notified to those concerned by the governmental organization in charge of purging, which will have the necessary cancellation made in the police records.

Art. 5 The present ordinance will be published in the Official Journal of the French High Command in Germany and exec^u d as law in the French Zone of Occupation.

DENAZIFICATION

ANNEX V

17 November 1947 (French Zone)

ORDINANCE No. 133 from the C.i.C. relating to Denazification
(Official Journal No. 122, 21 Nov. 1947)

In view of the Decree of 15 June 1945 on the establishment of a French High Command in Germany, amended by that of 18 October 1945,

In view of Control Council Directive No. 24 on the elimination of Nazis from Administration and responsible posts dated 12 January 1946 and its amendment dated 16 Nov. 1946,

In view of Control Council Directive No. 38 on the punishment of Nazis and militarists dated 12 October 1946,

In view of Ordinance No. 44 from the French C.i.C. in Germany dated 28 May 1946, on the establishment of electoral lists for German elections with implementation Order No. 61 from the Administrator General dated 29 May 1946,

In view of Ordinance No. 45 from the French C.i.C. in Germany dated 28 May 1946 on the establishment of electoral lists for the Saar elections with Implementation Order No. 62 from the Administrator General dated 29 May 1946,

In view of Ordinance No. 79 from the French C.i.C. in Germany relating to the implementation of Control Council Directive No. 38 dated 18 February 1947,

In accordance with the proposal of the Deputy Administrator General for the Military Government of the French Occupation Zone,

The Legal Committee in accord,

ORDERS THAT:

Art. 1 All provisions will be made by the Laender Governments to expedite the completion of the work of denazification.

Art. 2 These measures will deal primarily with the tracing and the appearance before purging organizations of members of organizations declared criminal by the Nuremberg verdict as well as the heads and principal active members of the Nazi Party or its affiliated organizations.

Art. 3 In future, no purging measure will be taken against ordinary nominal members of the Nazi Party and its affiliated organizations who have held no title or office in it.

This decision does not apply to members of organizations declared criminal by the Nuremberg verdict or to any individual who, in accordance with the provision of Directive No. 38 falls into the category of major offenders or offenders.

Art. 4 The categories of persons benefiting by Art. 3, on whom sanctions may have been imposed, will recover their political or civic rights and may, in future, compete for any public or private post or employment.

Art. 5 For past judgments, certification of benefit under the preceding article will be made by the State Commissioner for Purges who will transmit the decision taken to the General or High Delegate. These will become enforceable only after a lapse of two months, from the time of their transmission. During this period, the General or High Delegate may oppose the said decisions which will then be considered void.

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Art. 6 The present ordinance will be published in the Official Journal of the French High Command in Germany and executed as law in the French Zone of Occupation.

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OCCUPIED AREAS OF GERMANY WITH ZONES AND LAENDER

U.S. AND BRITISH OCCUPIED AREAS

HEADQUARTERS, MILITARY GOVERNMENT

OMG

CCG (BE)

GMZFO

OFFICE OF MILITARY
GOVERNMENT (U.S.)

CONTROL COMMISSION FOR
GERMANY (BRITISH ELEMENT)

GOVERNEMENT MILITAIRE
ZONE FRANCAISE D'OCCUPATION



UNDER POLISH ADMINISTRATION

CZECHOSLOVAKIA

SWITZERLAND

ITALY

AUSTRIA

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Adjutant General
OMNIGRAPH